Legal Services Society

Annual Report

1999 - 2000

Ms. Sandi Trewhitt
7/1999 - present

Mr. S. Brent Adair, Q.C.
3/1998 - 6/1999

Ms. Pinder Cheema
4/1994 - 3/1998

Ms. Margaret Y. Cissell
10/1993 - 3/1994

Mr. David Rice
4/1992 - 7/1993

Mr. S. Russell Chamberlain, Q.C.
4/1991 - 3/1992

Mr. Justice Mark McEwan
4/1989 - 3/1991

Mr. Justice A.G. Henderson
4/1988 - 3/1989

Ms. Lois Hollstedt
4/1987 - 3/1988

Mr. Leonard T. Doust, Q.C.
4/1986 - 3/1987

Mr. Robert T.C. Johnston, Q.C.
4/1985 - 3/1986

Mr. Justice Thomas J. McInick
4/1984 - 3/1985

Mr. Donald A. Silversides, Q.C.
4/1983 - 3/1984

Mr. David W. H. Tupper, Q.C.
4/1980 - 3/1983

Mr. Justice Duncan W. Shaw
10/1979 - 3/1980

Legal
Services
Society

British Columbia

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This is a publication of the Legal Services Society (LSS). LSS is a non-government organization that provides legal aid to eligible applicants and legal information and education to all British Columbians. LSS provides these services through offices across B.C., with the participation of private bar lawyers. LSS is funded by the provincial government, the Law Foundation, the Notary Foundation, and, indirectly, the federal government.

For copies of the *Annual Report 1999 – 2000*, write to:

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Shown in the front cover photographs are all the chairs of the LSS Boards of Directors from 1979 to the present.

Shown in the back cover photographs taken at several LSS anniversary celebrations held in March 2000 are (clockwise starting at the top centre — left to right in each photo): 1) David Griffiths; 2) Annie Tang, Colleen Lyttle; 3) Wendy Rausch, Sandy Porter, Arlene Harris, Athena Boyd (in the background); 4) Susan Poulos, Barbara Yates, Q.C., Harold Clark, Roland Kuczma, Chris Tollefson; 5) Noreen Finnerty, Dave Govett, Linda Provost; 6) The Honourable Judge David Ramsay; 7) Sharon Porter, Maureen Hill; 8) Sylvana Yeomans, Eduardo Aragón; 9) Athena Boyd (sitting), Adeline Field, Jacine Levan, Rey Ofreneo; 10) general crowd photo; 11) Pat Nelson, Judith Wilson, Alice Traill, Art Traill, Jackie Traill, Alf Rushworth; picture: Doug Traill; 12) Paddy Jones, Carol Schaeffer; 13) Margaret Fan, Rose Sauer, Heidi Mason, Jennifer Ho-Wang; 14) Kathy Terzopoulos, Jan Shiels. *Photographs by: Joanne Cochrane, Janis MacNaughton, Carolyn Li, Nancy Hannum, Ann Ronald, Iris Wahl, and Charlotte Kingsbury.*

British Columbia Cataloguing in Publication Data

Legal Services Society of British Columbia.
Annual report. – 1979/80 –
Annual Report year ends March 31.
Continues: British Columbia. Legal Services Commission. Annual report. ISSN 0709-3799
ISSN 0713-0651=Annual report - British Columbia Legal Services Society.
1. Legal Services Society of British Columbia - Periodicals.
2. Legal services - British Columbia - Periodicals.
3. Legal aid - British Columbia - Periodicals.

KEB160.A72L43 354.711008'8 Rev. Nov. 1992

101-01902/

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Message from the Chair

This year was the 20th anniversary of the Legal Services Society (LSS or the Society), and we marked the occasion in March with modest celebrations throughout the province.

Many offices took a few hours out of their hectic schedules to thank their own staff, as well as local private bar lawyers and community advocates, for their contributions to legal aid. Others, like the native community law office in Duncan, took an innovative approach to this anniversary, combining it with their fifth year of operations and hosting a free pancake breakfast in front of their office for people in need. In Vancouver, about 200 people attended an open house generously sponsored by The Law Society of B.C. And our Publishing Program, with the input of many current and former staff and board members across the province, produced a collection of reflections and images that crackles with history as it should be – the stories of the people who make it.

What we celebrated is very significant – 20 years of working to give the disadvantaged among us access to the justice system. In that time, we have provided legal representation for more than a million people who could not afford it, and helped thousands more with free legal information, education, advice, or referral to alternate services.

A glance at any of our annual reports, including this one, will show that we have accomplished this in the face of ongoing financial limitations. As with most social programs, it seems there are never enough funds to meet the entire need for services. In spite of that, British Columbia is fortunate to have one of the most comprehensive legal aid plans in the country. Even before October 1979 (when the proclamation of the Legal Services Society Act merged the Legal Aid Society and the Legal Services Commission), providing public legal education and poverty law services were cornerstones of the B.C. approach to legal aid – to offer the full range of assistance, from self-help materials to legal representation, in all areas of law.

We have encountered times of expansion and times of cutbacks, and this pattern is likely to continue. Over the past decade, expansion included establishing the Brydges line in 1990 to provide legal advice to those in custody, and expanding coverage for immigration and refugee law matters in 1991 to those who face removal from Canada. Cutbacks included across-the-board service reductions to the tune of $14 million per year in 1997 when our funding from the provincial government was frozen.

Throughout our history, however, the constant has been an unswerving commitment to legal services by those who do this work – from volunteers on community office boards of directors and in advocacy groups and private bar lawyers who continue to take referrals for too little pay, to staff members who continually go that extra mile to help clients resolve their legal problems.

Ever since my first involvement in access to justice issues, as a volunteer with the Powell River Civil Liberties Society in the early 1970s, I have felt honoured to work with so many who give their all to this worthy cause. It is a pleasure to take this opportunity to thank everyone once again for your admirable dedication and hard work.

Sandi Tremblay
Chair

Message from the CEO

This 20th anniversary year was one of stabilization and consolidation for the Legal Services Society.

We made considerable progress on many of the objectives we set for the Society and continued to monitor the impact of previous years' cuts. This resulted in a number of improvements for clients, which include –

- reintroducing limited coverage for maintenance variation applications in Supreme Court;
- enhancing services on northern Vancouver Island with the opening of two Campbell River satellite offices: one in Port Hardy, the other in Alert Bay;
- establishing a budget to fund aboriginal legal problems arising on reserve; and
- relaxing coverage limits for people with mental illnesses.

This year, we also decided to make two important changes, both to take effect at the beginning of next fiscal year. These decisions reflect the ongoing, and often delicate, balancing act involved when trying to meet needs on a variety of fronts with restricted funds – for although we faced no further erosion of our budget this year, our core funding from the provincial government remained frozen at $81.5 million.

The first change benefits clients who no longer qualified for legal aid after the financial eligibility limits were lowered in 1997. The second rectifies a long-standing injustice to private bar lawyers who have been putting in many unpaid hours as duty counsel to assist everyone making a first appearance in court, whether or not they were being held in custody. Effective April 1, 2000 –

- the financial eligibility limits will be adjusted upward so services can be restored to approximately 1,200 clients, and
- duty counsel will be restricted to only accused who are in custody, so the Society can ensure private bar lawyers are paid for the actual time they spend providing this service. It must be emphasized that this change affects only first court appearances – everyone can still apply for legal aid, and if they are eligible, they will receive legal representation.

Administratively, a great deal of effort went into ensuring all our systems were Y2K compliant by January 1, 2000. We succeeded in this, but the work was more time-consuming than anticipated. As a result, some projects, such as establishing a direct-deposit system for paying private bar lawyers' accounts, had to be delayed another year.

Additional information on the above initiatives, as well as on the progress we made in many other areas this year, can be found throughout this annual report.

Of course, even in a stable environment, unpredictable events can affect a demand-driven service like legal aid. A surge in refugee claims this year – largely due to unprecedented numbers of people arriving by boat from China – increased costs by more than $900,000.

External factors such as court and government decisions also affect how we allocate our funds. A good example of this is the Supreme Court's ruling last September that the Legal Services Society Act requires LSS to provide legal services to prisoners facing disciplinary proceedings in prisons.

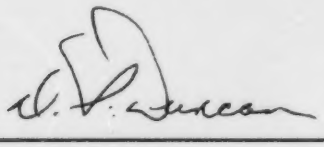
Another example is the Ministry of Attorney General's implementation this year of some of the new court rules – including a new arraignment court process – recommended in the *Report of the Chief Judge: Delay and Backlog in the Provincial Court of British Columbia* (April 1998). The ministry provided LSS with interim

additional funding for a tariff to cover arraignment court processes; as of fiscal year-end, this funding was extended to the end of June 2000.

For the coming year, our key priorities will be to –

- increase the use of computer technology to improve access to services;
- continue to expand and build upon a range of alternative services to meet the needs of aboriginal people; and
- focus on quality assurance processes for tariff services.

Staff throughout the province continue to provide the highest quality of services to our clients, as do the private bar lawyers who take our referrals and those in community organizations who provide legal education and advocacy for so many. It is these commitments to excellence and to the principle of equal access to justice that – even in difficult times of fiscal restraint – make our legal services in B.C. an exemplary program.



David S. Duncan
Chief Executive Officer and Executive Director

Throughout the period under review, LSS has appreciated the funding support of the Ministry of Attorney General, the Law Foundation, and the Notary Foundation.

Mandate

The Legal Services Society Act gives the Society a twofold mandate: to provide legal representation for eligible applicants and legal education for the people of British Columbia.

Section 3 of the act says:

(1) The objects of the society are to ensure that

a) services ordinarily provided by a lawyer are afforded to individuals who would not otherwise receive them because of financial or other reasons, and

b) education, advice and information about law are provided for the people of British Columbia.

(2) The society must ensure, for the purposes of subsection (1) (a), that legal services are available for a qualifying individual who meets one or more of the following conditions:

a) is a defendant in criminal proceedings that could lead to the individual's imprisonment;

b) may be imprisoned or confined through civil proceedings;

c) is or may be a party to a proceeding respecting a domestic dispute that affects the individual's physical or mental safety or health or that of the individual's children;

d) has a legal problem that threatens

i) the individual's family's physical or mental safety or health,

ii) the individual's ability to feed, clothe and provide shelter for himself or herself and the individual's dependents, or

iii) the individual's livelihood.

Board of Directors

LSS, created in 1979 by the Legal Services Society Act, which merged the Legal Aid Society and the Legal Services Commission, is an independent, non-profit organization managed by a 15-member board of directors. The Lieutenant-Governor in Council, on the recommendation of the Attorney General, appoints five directors, of whom no more than three can be lawyers. The Law Society of British Columbia, after consulting with the Canadian Bar Association, B.C. Branch, appoints five directors. The B.C. Association of Community Law Offices (BCACLO) and the Native Community Law Offices Association of B.C. (NCLOABC) appoint two directors each and one jointly.

Board members as of March 31, 2000 were:

Appointed by the Lieutenant-Governor in Council

Kathleen Cook (Lac La Hache)

John Ewens (North Vancouver)

Bruce Hardy (Vancouver)

Mary McGrath, Q.C. (Sydney)

Rashpal (Palo) K. Sall (Port Alberni)

*Appointed by the Law Society of British Columbia**

Pinder Cheema (Victoria)

D. Geoffrey G. Cowper, Q.C. (Vancouver)

Kenneth J. Learn (Burnaby)

Barbara J. Yates, Q.C. (Victoria)

Appointed by the BCACLO and NCLOABC

Judith Doulis (Vancouver)

Sandi Tremblay, Chair (Powell River)

Roxanna K. Laviolette (Richmond)

Leonie Rivers (North Vancouver)

Rosalee Tizya (Vancouver)

*One position was vacant at the end of the year.

Former board members whose terms expired during this fiscal year are Martin Adams, Rick Craig, Colin Fortes, and Marie Jessup. The Society mourns the loss of board member Bridget Moran, who died of cancer during the year and regrets that Jeannette Armstrong had to resign due to the demands of other commitments.

Committees

Standing board committees are: Conflict of Interest, Core Services/Public Legal Education/Governance, Executive, Finance, Media, Native Services, and Tariffs (criminal, family, and immigration).

Each tariff committee is chaired by a board director, with committee members chosen from the private bar. At committee meetings, private bar lawyers provide valuable input on the structure, form, and content of the tariffs, as well as on coverage and eligibility issues.

Mission

LSS is an independent, non-profit organization, created by statute. Its mandate is to foster public legal education and provide effective legal services to B.C. residents living in poverty, particularly those people experiencing legal problems that threaten their liberty, security, and livelihood.

Since the state is often the opposing party in legal matters that affect people living in poverty, LSS can only truly serve its clients' interests by remaining independent of all levels of government and special interest groups.

The Society's mission is to:

- Ensure that education, advice, and information about the law are available to all people in British Columbia.
- Ensure that legal representation is provided to those people facing serious legal problems who would not otherwise receive legal help.
- Ensure that people living in poverty receive legal services that are –
  - appropriate to their needs,
  - capably delivered, and
  - respectful of their differences.
- Work with the government, the community, and the private bar to ensure the efficiency and effectiveness of all legal services.
- Deliver legal services to the aboriginal people of B.C. that meet their particular needs.

Strategic Goals: Five-Year Plan

During the next five years, LSS will pursue strategic goals in three areas: mandate and service delivery, quality assurance, and finances. This year, the Board of Directors added two new information technology goals (#8 in Part A and #5 in Part D) and a new human resources section (Part C), and revised its service delivery model (#7 in Part A) and quality assurance (#1 in Part B) goals. The goals are:

Part A: Mandate and service delivery

1. Ensure, within the limits of available funding, that services are provided in each area of law covered in our mandate.
2. Work together with aboriginal people to develop and promote innovative methods to deliver legal services to aboriginal people and their communities.
3. Establish a regular review process to identify common legal issues among groups of client cases in order to advance test cases and advocate law reform that will benefit our clients.
4. Preserve our current support of public legal education programs to help individuals and groups identify and avoid, or resolve, legal problems.
5. Increase the capacity of offices, community information agencies, and advocacy services to provide people with current information and self-help materials in those areas of law where legal representation services have been reduced.
6. Review our services annually to identify opportunities for mediation and other dispute resolution methods within each of our mandated areas of service.

7. Ensure the best possible mix of service delivery models by continuously monitoring services and implementing any adjustments needed to meet changing requirements or take advantage of new opportunities.
8. Improve access to services through optimum use of information technology.

Part B: Quality assurance

1. Expand our existing quality assurance systems so that all aspects of service delivery are monitored for service quality and policy compliance.

Part C: Human resources

1. Support our staff's commitment to clients and encourage personal growth and workforce diversity.
2. Develop strategies to recognize the ongoing contribution of private lawyers in the delivery of legal aid.

Part D: Finances

1. Secure from the provincial government adequate funding that meets the demand-driven nature of our services.
2. Restrict our expenditures to keep within the fiscal framework imposed by Section 11 of the Legal Services Society Act.
3. Pursue our statutory authority to recover our expenses.
4. Explore alternative sources of revenue.
5. Use information technology to improve the efficiency of operations.

Services

"Let me begin by congratulating the Legal Services Society on 20 years of service. The resources offered by the Society have been of great service to the women and children connected with Kootenay Haven Transition House. Almost every woman we work with is supported by your Society whether it is through lawyer referral, legal advice, and public education through the staff in the Cranbrook office, or a publication that provides a woman with the facts she needs to make an informed decision. Of course, staff benefit as well, relying on the literature for general information as it relates to law." — Pam Schneider, Women's Outreach Support Worker

People with legal problems get legal help from LSS in various ways. They may walk into one of the local offices across the province to apply for legal aid and/or ask staff for summary advice or copies of free (or low-cost) public legal education materials published and distributed by the Society. Or they may take their legal questions to their local public library, community group, or multicultural agency, where they can ask LSS-

Maple Ridge CLO staff take a break from moving into their new premises, January 31, 2000. From left to right at the back: Receptionist Doreen Emo, Secretary/Legal Assistant Shelly NeVille, Director Kathy Marshall, Legal Information Counsellor Bonnie Monk, Lawyer Graeme Joesbury; Front: Legal Information Counsellor Charlotte Kingsbury. Photograph by Charlotte Kingsbury.

(Two other CLOs — New Westminster and Victoria — also moved to new locations this year, providing improved access for clients.)

trained workers or look up LSS or LSS-funded materials (e.g., print material, audiotapes, or Web sites) to find answers.

Intake workers at legal aid offices refer applicants who qualify for legal aid to staff lawyers or paralegals, or to lawyers in private practice. Applicants qualify for legal representation if they have serious criminal, family, immigration, human rights, or other civil (poverty) law problems and they meet LSS financial and other eligibility criteria. In 1999 – 2000, 89 (full-time equivalent) staff lawyers, 61.1 (full-time equivalent) paralegals/legal information counsellors, and 1,524 private bar lawyers provided these services. Private bar lawyers handled 76.2% of these referrals.

Applicants who are found to be ineligible for a legal aid referral can appeal that decision (see page 32).

Applicants who do not speak English can arrange to bring along someone to translate for them. LSS will pay for the services of qualified interpreters.

LSS has taken a variety of steps to ensure its services are accessible to all communities. For example, the Society –

- has an employment equity policy, and staff are required to adhere to a code of ethics that includes non-discrimination and non-harassment;
- maintains a list of multilingual staff lawyers/paralegals and private bar lawyers who accept legal aid referrals;
- funds interpreter services when an interpreter is required to work with a lawyer;
- maintains a link with interpreters for people in custody calling the Brydges 24-hour telephone line (see page 12) who need to talk to a lawyer and do not speak English; and
- provides public legal education materials in a variety of languages (see pages 34 – 36).

In 1999 – 2000, LSS handled more than 30,000 matters that did not result in legal aid referrals to lawyers. For these problems, individuals were diverted to alternate service providers, received summary legal advice, and/or were given legal information to help them. Summary advice can be both legal information and advice on where to go or what to do next. It may require a summary review of facts or an analysis of the applicant's legal problem. Summary advice may be given quickly or in detail, depending on the problem and the resources available.

This year, the LSS Board of Directors' Core Services Committee formed a Pro Bono Services Subcommittee and surveyed LSS community offices to determine the extent of existing pro bono services. As well, a Client Services regional director served as liaison with the joint Canadian Bar Association/Law Society Pro Bono Subcommittee.

Demand for legal aid

Type of legal problem	1999 – 2000 Applications	1999 – 2000 Referrals	1998 – 1999 Applications	1998 – 1999 Referrals
Criminal	38,409	27,479	39,523	28,043
Family/CFCSA	24,386	13,828	24,556	13,177
Immigration	4,667	3,949	3,392	3,094
Human rights	233	176	263	198
Other civil (poverty)	9,704	6,102	10,871	6,226
Intake case [1]	21,136	n/a	20,726	n/a
Total	**98,535**	**51,534**	**99,331**	**50,738**
	1999 – 2000 figures based on data run in May 2000		1998 – 1999 figures based on data run in May 1999	

[1] An intake case is a record of assistance provided to an individual seeking help with an "other civil" (poverty) law problem that requires only brief service, or a legal problem that is not covered by the tariffs (e.g., in criminal or family law). An intake case involves up to two hours of summary legal advice and/or information; it is not a formal application for legal aid, and the applicant does not have to be financially eligible to receive this help.

Intake cases by issue type 1999 – 2000

Issue	Number	%
Family: Non-tariff	4,296	20.3
Administration [1]	3,822	18.1
Criminal: Non-tariff	2,184	10.3
B.C. Benefits	1,472	7.0
Debt & collections	1,107	5.2
Housing	1,104	5.2
Income tax & GST	1,031	4.9
Notarizing	652	3.1
Contract/Consumer	602	2.8
Wills/Estates	561	2.7
Torts/Negligence	542	2.6
Employment	455	2.2
Canada Pension Plan/Old Age Security	415	2.0
I.C.B.C.	368	1.7
Mental health & adult guardianship	271	1.3
Immigration: Non-tariff	247	1.2
Workers' compensation	234	1.1
Criminal injury compensation & victim assistance	230	1.1
Employment Insurance	196	.9
Prisoners' law	193	.9
Human rights: Non-tariff	152	.7
Bankruptcy	145	.7
Foreclosure	123	.6
Native rights	120	.6
Real property	107	.5
Other	507	2.3
Total	**21,136**	

[1] Administration refers to a variety of services ranging from providing potential applicants with information about legal aid or recording a change of counsel on a file opened at another office, to swearing an affidavit for a client whose file was opened at another office.

Funding

The provincial government provides the major portion of the Society's funds and, under federal-provincial cost-sharing agreements, the federal government reimburses the provincial government for part of the cost of criminal legal aid. The amount reimbursed in 1999 – 2000 for criminal legal aid was just over $9 million.

Additional funding includes grants from the Law Foundation and the Notary Foundation, recoveries and contributions from clients, and money from publication sales.

The Legal Services Society Act requires the Society to balance its budget. LSS may plan for an operating deficit for a given year only with prior approval from the Attorney General and the Minister of Finance and Corporate Relations.

LSS began the fiscal year with an accumulated deficit of $10.3 million. Provincial funding for legal aid remained frozen at $81.5 million. During the year, the government provided LSS with another $310,541 to pay human rights tariff costs. Income from other sources in 1999 – 2000 totalled just over $4.7 million. Total revenue for the year was $86.5 million.

Expenditures

The Society's expenditures came to $83.6 million in 1999 – 2000, compared to $80.3 million in the previous fiscal year. This increase was due primarily to year 2000 requirements (see page 18), which affected the Information Technology, Finance and Administration, Human Resources, Tariff/Audit and Investigation, and depreciation budgets. Added costs included hiring consultants to test and implement Y2K compliance; hiring staff and consultants to implement CMS Phase 2 (a new

1999 – 2000 expenditures

Tariffs	$ 49,198,217
Community offices (intake and poverty, criminal, family, human rights, and immigration law services)	22,579,594
Management and administration	7,229,491
Client programs (PLE, library services, Publishing, Native Programs, and Appeals)	2,517,290
Service delivery support	2,125,432
Total	**$ 83,650,024**

See pages 19 and 42 for a detailed breakdown of each of these categories.

computerized billing system); training staff in new and/or upgraded software; and purchasing and leasing equipment necessary for Y2K compliance, which affected depreciation costs. The depreciation costs will carry over to subsequent years.

An increase in refugee claims this year, largely due to unprecedented numbers of people arriving by boat from China, increased immigration tariff costs by more than $900,000.

Branch office costs rose partly because this was the Vancouver Aboriginal Law Centre's first full year of operations (see page 11), the Port Hardy and Alert Bay satellite offices opened in January 2000 (see page 12), and additional staff were hired at Prisoners' Legal Services to comply with the *Winters* decision (see page 29). Negotiated salary and benefit increases for LSS employees and temporary additional staffing for some business plan projects also increased costs for branches and head office.

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By fiscal year-end, the Society had reduced its accumulated deficit to $7.4 million from $10.3 million.

Structure

LSS operates or funds offices in communities across B.C. to provide legal services. These offices administer the legal aid plan by, among other things, interviewing applicants to determine their eligibility and referring them to staff and private bar lawyers. They also provide a range of other services to their communities, including poverty law advice and representation, public legal education (PLE), community development, and law reform. The extent and nature of local services are determined each year and set out in annual office plans.

Nelson branch office staff honoured Managing Lawyer David Miller's 25 years of legal aid work in October 1999. Left to right: Intake Legal Assistant Lauretta Wilson; David Miller; Intake Legal Assistant Elaine Fletcher; Intake Legal Assistant Pat Johnson; Paralegal Janet Sawyer.

Community offices

The different types of offices are:

- branch offices – staffed by LSS employees (lawyers, paralegals, secretaries, and intake legal assistants);
- community law offices (CLOs) and native community law offices (NCLOs) – independent bodies governed by their own boards of directors, drawn from the local community (although two CLOs, Victoria and Nanaimo, are staffed by LSS employees); and
- area directors – private bar lawyers who take family and criminal legal aid applications and refer eligible applicants to lawyers.

While all offices serve all people in their communities, NCLOs also focus on local aboriginal needs in providing legal services.

As of March 31, 1999, in addition to head office, LSS operated 16 branches and funded 14 CLOs and 14 NCLOs, with a combined total of 446 full-time equivalent staff positions. LSS also funded 14 area directors. The Map of Legal Aid Offices on the inside back cover of this report shows all office locations.

Work continued this year to ensure ongoing community involvement in our branch office services. Most branches have established local advisory committees or held public planning days to ensure their communities are involved in developing office plans and setting local poverty law priorities.

This year, the Vancouver Aboriginal Law Centre (VALC) focused on developing office systems and training staff to provide a wide range of other civil (poverty) law services. Information advertising the centre's location and services was widely distributed, and the number of referrals from aboriginal and other service organizations in the area steadily increased. A managing lawyer for the office was hired at the end of

March and by the beginning of next fiscal year, the VALC will operate as an independent branch, rather than as part of the Vancouver office.

Identified through the Society's resource allocation formula (developed in 1997 and revised in 1998) as being relatively under-serviced, North Vancouver Island and the central coast (Bella Bella/Bella Coola) were allocated $100,000 each this year for new service development. Two satellite offices of the Campbell River branch were established – in Port Hardy and Alert Bay – to improve services to small and remote north island communities. Service improvements for the central coast are expected to be in place in the new fiscal year. Consultation with local service groups and bands continues, to ensure the new services are meeting community needs.

2000 – 2001 initiative

- Assess service needs in the Fraser Valley and mid-Vancouver Island through a community consultation process, develop a service delivery plan, and implement the plan when funds are available. The particular focus in these areas will be on aboriginal people and communities not currently served by existing field offices.

Other funded agencies

LSS provides funds to the **Community Legal Assistance Society**, which, under its mandate, does test case and law reform work in poverty, human rights, and disability law; supervises the Law Students Legal Advice Program; and provides services under the Mental Health Act.

Brydges line

LSS contracts for a province-wide 24-hour toll-free telephone line, known as the Brydges line, to ensure prompt access to legal advice for people who are arrested and detained, or who are under active investigation by the police or other law enforcement agencies, but who are not yet charged and need emergency advice. In 1999 – 2000, the Brydges line received 28,723 calls.

Duty counsel

Staff and private bar lawyers provide duty counsel services in most courts to advise accused people about the charges against them, court procedures, and legal rights (including the right to counsel and the right to apply for legal aid). Duty counsel often represent these clients in hearings where they are applying for releases, entering guilty pleas, and/or speaking to sentences. Clients do not have to be financially eligible to receive duty counsel services, but only those who meet LSS coverage and financial eligibility requirements are entitled to a legal aid referral for ongoing representation. In 1999 – 2000, duty counsel assisted 60,361 people in courts across B.C.

Last fiscal year, private bar lawyers in a number of communities stopped providing duty counsel services as part of a campaign to lobby the government for more legal aid funding. As a result, duty counsel services in most of those locations were provided by staff lawyers and had to be limited to the minimum required by our mandate – assisting only those people in custody who were charged with criminal offences. This year, duty counsel services returned to normal in all locations except Prince George and Kelowna, where the service withdrawal continued.

The budget available for private bar lawyers' duty counsel work was insufficient to pay lawyers for all the hours they spent in court helping those both in and out of custody. Changes to court schedules and the addition of remand days has resulted in the LSS fixed-hour caps being too low in many locations. Understandably, for some time the

private bar has raised concerns that the system of remuneration, given the expected level of service, is inadequate and unfair.

To address these long-standing concerns, this year the board decided to restrict duty counsel services to only those in custody, effective April 1, 2000. This reallocation of existing resources will enable the Society to pay lawyers for their work in this area.

2000 – 2001 initiative

- Reallocate resources currently dedicated to duty counsel for criminal matters to ensure all people in custody throughout the province receive this service.

Circuit courts

LSS contracts with lawyers in private practice or provides staff lawyers to act as counsel in circuit courts in remote areas of the province, where a "court team" travels to a circuit of one or more communities to hear cases. The communities where they sit are small, rural, and predominantly aboriginal. These lawyers represent clients for criminal, family, and youth court matters on the court list, including duty counsel services, preliminary hearings, and trials.

The northern circuit court area was identified in the Society's resource allocation formula (see page 12) as under-serviced. This area was allocated $100,000 for new service development this year, and improvements are expected to be in place in the new fiscal year.

Central support to community offices

Head office, located in Vancouver, provides three main categories of support to community offices: client programs, service delivery support, and management and administration.

Client programs

Client programs are available to clients and the public on a daily basis.

Judicial Appeals

The Judicial Appeals Department provides legal aid services to eligible clients who are appealing either lower court, administrative board, or tribunal decisions (see page 29).

Legal Information Services

The Legal Information Services Department (LIS) works to improve access to basic legal information for all British Columbians.

To this end, the department provides services through the Legal Resource Centre (LRC) that include: legal information for the public on the Law Line; reference, training, and collection support to public libraries; library reference services; and a legal information Web site (the Electronic Law Library) (see pages 37 – 38).

The department also provides project funding and produces publications through the Public Legal Education (PLE) and Publishing programs (see pages 33 – 36 and 38 – 39). In providing these services, LIS relies on intermediaries across the province to reach people in their own communities and uses the most appropriate medium (e.g., print, audio-visual, audio, Web site) to convey legal information to the public.

The department received $111,855 in external funds for four projects –

- continued support for PovNet (see below) on behalf of the PovNet steering committee (grants from the Law Foundation and the Office of Learning Technologies – Human Resources Development Canada);
- development of a three-year PLE plan for the "Youth Justice Initiative," a collaborative venture with the Law Courts Education Society and the People's Law School (grant from Justice Canada);
- adaptation and translation into seven languages of the *Victims of Crime Act* brochure (grant from Victim Services, Ministry of Attorney General); and
- a reprint of the booklet *Your Welfare Rights* (grant from the Ministry of Social Development and Economic Security).

This year, LSS continued its participation in PovNet, an electronic communications/information network that consists of closed discussion groups, a public Web site, and databases for poverty law advocates and the general public. By the end of the year, there were 2 discussion groups and 3 e-mail groups operating, with more than 100 participants. The B.C. Benefits database, launched this year, is well-used and work has begun on a housing issues database. Human Resources Development Canada provided a Community Learning Initiatives Program grant for an assessment of the project that will also consider future options for PovNet. This assessment will be completed by June 2000.

2000 – 2001 initiative

- Ensure PovNet initiatives are appropriate in terms of usefulness, ease of access, confidentiality, maintenance, and cost, and seek stable funding for the project from LSS and other sources.

Native Programs

Native Programs develops and implements policies, plans, program proposals, and initiatives for delivering appropriate legal services to aboriginal people. One of the department's priorities is to help aboriginal communities develop community-based justice programs. Native Programs provides guidance and advice about aboriginal law issues, information about lawyers or services that can help aboriginal clients, and public legal education funding and services (see also Public Legal Education and Information on pages 33 – 41). Its focus is to improve aboriginal people's access to legal programs and services throughout the province, and to ensure that the Society meets the unique legal needs of aboriginal people.

Native justice committees

Native Programs continued its work with aboriginal organizations across the province, begun in previous years, to facilitate the development of native justice committees in Duncan, Tsawwassen, Dawson Creek, and the Kootenay region. These committees are intended to identify gaps in legal service delivery. The department recognizes the need to change the status quo that has continually failed the aboriginal community. To effect real change, communities must be empowered to examine, formulate, and implement processes that reflect their members' unique needs.

Restorative justice

The Vancouver Aboriginal Restorative Justice Project (VARJP) is an initiative to help establish an alternative justice program for aboriginal offenders in the Lower Mainland. Based on the principles of rehabilitation and healing instead of isolation and punishment, the project is a collaborative effort involving numerous aboriginal service agencies and the federal and provincial governments. This is a top priority for LSS Native Programs, which has been involved in every aspect of the work and provided start-up funds for the project.

By diverting certain criminal matters away from the formal court process, the program is intended to help lower the disproportionate number of aboriginal people in the criminal justice system. The basic premise is to return the accountability and well-being of aboriginal people to the community. The VARJP will blend the concepts of restorative justice and community development. Restorative justice attempts to restore harmony among those affected by crime (the victim, the offender, their families, and the community). Community development empowers individuals to formulate appropriate responses and strategies to deal with crime.

This year, the VARJP reached several milestones and took its first referrals in late March. In September 1999, the Vancouver Aboriginal Friendship Centre Society and the provincial and federal governments signed a tri-partite contribution agreement that will provide the program with ongoing funds. In November 1999, the program provided its first training session for members of the Community Council Forum, which will hear the facts of cases and decide on culturally appropriate healing programs. By year-end, the program and the provincial government gave preliminary approval to the Provincial Crown Protocol Agreement governing the referral process. With the signing of this protocol, the VARJP becomes the first aboriginal alternative measures program to operate outside the Provincial Alternative Measures Memorandum of Understanding with a unique set of procedures.

To support this project, LSS approved a new policy that will give potential VARJP clients up to three hours of legal advice before they commit to, or are accepted by, the program. This service is available whether or not they face a likelihood of imprisonment.

Native Programs continued its support for other groups in the province that want to establish aboriginal restorative justice programs. This included funding the En'Owkin Centre in Penticton to conduct the developmental phase of its program and facilitating the development of a proposal by the Nicola Valley Native Community Law Society. The NCLOs in Duncan and Burns Lake are expected to be ready to start work on similar programs early next fiscal year. As well, the Cranbrook CLO and the Prince Rupert branch expect to take on significant roles in developing these programs in their communities.

2000 – 2001 initiative

- Hire a provincial co-ordinator on a one-year contract to work with the various restorative justice programs developed with the Society's assistance.
  The co-ordinator will provide information materials, orientation and training, and concrete support to the NCLOs to help them launch successful programs.

Aboriginal Case Coverage Committee

Last year, the Client Services and Tariff Departments established an Aboriginal Case Coverage Committee, enabling the Society to be more proactive in its approach to aboriginal case management. The committee's mandate includes reviewing exception requests to LSS coverage policy for aboriginal hunting and fishing cases, recommending priorities for aboriginal rights cases, and identifying possible test cases and alternate funding sources for issues involving aboriginal rights.

Aboriginal case legal fund

This year, LSS established a fund to pay for referrals to the private bar when conflicts of interest prevent staff lawyers from acting in matters that arise on reserves between aboriginal individuals and their bands. The fund is treated as a "mini-tariff," administered jointly by Native Programs and the Client Services Department.

Service delivery support

Service delivery support helps both community offices and private bar lawyers.

Client Services

The Client Services Department is responsible for community office intake and service delivery operations. The department develops intake, eligibility, and coverage policies, with input from other head office departments and community offices, and monitors operations to ensure these policies are consistently applied throughout the province. Department managers directly supervise LSS branch offices and administer contracts with funded agencies such as CLOs, NCLOs, and area directors. The managers also support and monitor staff criminal, family, and immigration lawyer performance, engage in ongoing program evaluation, renewal, and development, and supervise the Family Case Management Program.

This year, computerized time-keeping programs were implemented for criminal, family, and immigration lawyers. The availability of time records will enable LSS to assess the staff cost of cases more accurately and thus fine-tune the way staff positions are used. It will take at least one year to build up adequate data to conduct this analysis.

2000 – 2001 initiative

- Introduce time-keeping for poverty law lawyers and paralegals.

Tariff

The Tariff Department processes approximately 2,200 private bar lawyer accounts each week, answers billing questions from lawyers, gives tariff rate approvals, develops tariff policy and application guidelines, and develops and maintains the *Guide to Legal Aid Tariffs* (this includes the appeals, criminal, family, human rights, and immigration tariffs, disbursement guidelines, and other material). (See also pages 42 – 43.) Tariff accounts examiners and Audit and Investigation division staff monitor billings from lawyers to ensure compliance with the *Guide to Legal Aid Tariffs*.

Management and administration

Several departments at head office provide management and administration support.

Executive Office

The Executive Office supports the board and board committees (see page 5); reviews eligibility appeals (see page 32); and provides overall direction and policy, planning, and communications support. With advice from in-house counsel, it also manages all LSS responses to formal applications under the Freedom of Information and Protection of Privacy Act (see pages 32 – 33).

Finance and Administration

The Finance and Administration Department provides treasury functions; budgeting, financial control, and reporting; capital planning; payroll; accounting and banking; purchasing; office administration, facilities, and lease management; telephone, fax, and voice mail communications; and records management services for the whole of LSS. It co-ordinates space planning, renovations, and equipment purchases for branches and, on request, assists CLOs and NCLOs with these matters.

This year, LSS intended to implement a direct deposit system for lawyers' bills; however, because of the demands of the Y2K project (see page 18), this had to be postponed until 2000 – 2001. Completion of this project should result in a faster and more cost-efficient method of paying private bar lawyers.

2000 – 2001 initiative

- Implement a direct-deposit system for private bar lawyers' bills.

Human Resources

The Human Resources Department provides personnel policy, recruitment, benefits administration, employee and labour relations, salary administration, collective agreement administration and negotiation, performance management, and job classification services. Its Training Division designs, develops, and delivers staff training programs.

LSS values its most important resource – its staff. A committee with representatives from the B.C. Government and Service Employees Union, the Professional Employees Association, and LSS management developed an employee recognition program to formally acknowledge the valuable contributions staff make to the Society. This program was launched on October 1, 1999 to mark the Society's 20th anniversary. One aspect of the program is to recognize staff anniversary milestones at 5, 10, 15, 20, and 25 years of service. At the launch date, LSS recognized more than 190 employees with a combined total of 1,795 years of service. In January 2000, the program was extended to CLOs and NCLOs.

Several employees with 20 years of service pose for a picture at an intake training session in February 2000. From left to right: Intake Supervisor Ann Ronald, Nanaimo; Legal Information Counsellor Dee Duggan, Penticton; Intake Supervisor Anne Macnab, Kelowna; Intake Supervisor Norma Coburn, Vancouver; Referrals Legal Assistant Debbie Francis, Victoria; Intake Legal Assistant Carol Schaeffer, Prince Rupert; Intake Supervisor Anne McNamara, Burnaby; Intake Legal Assistant Doreen Amundson, Kelowna; Intake Supervisor Ellen Gula, Surrey. Seated: Victoria Law Centre Director Roland Kuczma.
Photograph by Ann Ronald.

The Human Resources Department also developed a two-year training and development program calendar for 2000 – 2002. Based on a needs analysis conducted this year, the priorities for this program are to develop and/or provide –

- new employee orientation,
- supervisory training,
- intake legal assistant training for new employees,
- a career development plan for employees wishing to become legal information counsellers or paralegals, and
- information technology training and development.

2000 – 2001 initiatives

- Implement a cross-cultural training program designed to educate and inform LSS board members, management, and staff about aboriginal issues. Increased sensitivity to the unique needs of aboriginal people will encourage LSS staff to design and deliver programs to best meet those needs.

- Conduct a needs assessment and examine alternative software solutions to select and implement a new Human Resources and payroll system that will replace the current system, which is largely incompatible with the Society's technical environment.

Information Technology

The Information Technology Department operates a central service desk to provide technical help for computer-related problems. It installs, operates, and maintains the new Case Management System (CMS) LSS uses to conduct intake and make referrals. This department handles computer system development, maintenance, and equipment upgrades/replacements for the local area networks at each legal aid office across the province. It is also responsible for the voice system infrastructure and the wide area network (WAN) that connects all legal aid offices.

Year 2000 readiness

All LSS computer systems were upgraded and successfully made the date transition to January 1, 2000, as well as to the other dates with a potential Y2K risk, i.e., February 29 (leap year) and March 31 (fiscal year-end).

The Y2K project, begun in 1997 – 1998 and completed this year, also involved checking for Y2K compliance and upgrading, where necessary, numerous systems ranging from telephones and fax machines to building elevators, security, and heating/ventilation.

The LSS Y2K Steering Committee members tip their coffee mugs to a successful year, December 1999. Standing, left to right: Stephen Majlath, Associate Director, Finance & Administration; Nancy Hannum, Chief Librarian and Manager, LRC; Frank Kraemer, Vancouver Regional Director; Janice Staryk, Tariff Operations Manager; Sandy Shreve, Communications/FOI Co-ordinator; Don Blackadar, Y2K Project Manager; Margarita Campos, Y2K Project Secretary; Joel Chamaschuk, Manager of Information Technology. Seated, left to right: Heidi Mason, Client Services Manager; Harold Clark, Manager of Human Resources. Committee members not shown in photo: Susan Poulos, Deputy Executive Director; Dave Govett, Director of Information Technology.
Photograph by Carolyn Rhee-Thompson.

One by-product of the project is that the Society now has a high-quality computer infrastructure in place, with enhanced security, standardized software, Internet access, and the foundation for building an intranet system. Staff will continue to derive additional benefits from this system (such as easier and faster dissemination of information and increased access to library services) that will enhance their ability to serve clients. Another by-product is that the contingency plan developed for the year 2000 will form the basis of a permanent disaster plan for the Society.

2000 – 2001 initiative

- Design, develop, document, and deploy an intranet system to support various projects, such as access from each desktop to policies, job descriptions, collective agreements, the LRC library catalogue, and other information.

Operating Expenditures [1]

Community offices (intake and poverty, criminal, family, human rights, and immigration law services)	1999 – 2000	1998 – 1999
Branches	$ 12,293,098	$ 11,888,103
CLOs [1]	7,000,320	6,981,093
NCLOs	2,881,273	2,945,194
Brydges duty counsel	207,317	204,916
Area directors	189,336	191,269
Salvation Army [2]	8,250	60,000
Total	**$ 22,579,594**	**$22,270,575**

[1] Includes funding for the Community Legal Assistance Society.
[2] A small contract with the Salvation Army in Victoria provides service in the prisons and courts there.

Client programs	1999 – 2000	1998 – 1999
Appeals	$ 607,968	$ 740,289
Library services	643,724	603,730
Public Legal Education [1]	557,222	643,387
Publishing	361,419	260,950
Native Programs	346,957	287,940
Total	**$ 2,517,290**	**$ 2,536,296**

[1] The 1998 – 1999 amount includes $160,735 raised for the *Speaking of Abuse* booklet series and for PovNet and the 1999 – 2000 amount includes $111,855 in external grants for various projects (see pages 13 - 14).

Service delivery support	1999 – 2000	1998 – 1999
Tariff, Audit and Investigation	$ 1,308,586	$ 1,173,670
Client Services [1]	821,846	692,280
Total	**$ 2,125,432**	**$ 1,865,950**

[1] Includes Reciprocals.

Management and administration	1999 – 2000	1998 – 1999
Human Resources [1]	$ 1,108,355	$ 901,120
Finance and Administration	2,755,559	2,466,072
Information Technology	2,250,867	1,809,351
Communications	43,570	46,104
Depreciation	1,071,140	510,369
Total	**$ 7,229,491**	**$ 5,733,016**

[1] Includes Training.

[1] See Expenditures, on page 10, for an explanation of increased costs.

Coverage

Legal aid coverage is provided in most areas of law, as outlined in the following sections.

Criminal law

Under its mandate (see page 4), LSS must provide legal representation to financially eligible people charged with criminal offences who, if convicted –

- are likely to go to jail;
- might lose their means of earning a living; or
- could be deported from Canada.

Applicants may also receive legal representation if they –

- have a mental or emotional illness that makes it impossible for them to represent themselves, or
- are aboriginal and their ability to follow a traditional livelihood of hunting and fishing could be affected if they are convicted of an offence.

Under the federal Young Offenders Act, anyone under 18 years of age charged with a federal offence has a statutory right to a court order appointing a lawyer paid for by the state. Coverage must be provided regardless of financial eligibility or likelihood of imprisonment.

With special funding from the Ministry of Attorney General, LSS provides legal advice and representation to victims of or witnesses to crime in situations where the lawyer for the defence asks for disclosure of personal records (such as counselling records). A Criminal Code amendment (following the 1992 ***Regina v. O'Connor*** case) requires a judge to hear arguments about the relevance of the information sought and the effect of a disclosure on the victim of or witness to a crime. Applicants requesting representation in these matters do not have to be financially eligible to get a lawyer.

Early in the year, the Society relaxed its criminal coverage guidelines for applicants with mental or emotional disabilities. Under the revised policy, financially eligible applicants who do not face a risk of imprisonment upon conviction may be referred to a lawyer if their disability prevents them from defending themselves because they cannot understand the nature or possible consequences of the proceedings, or they are unable to communicate effectively with counsel or the court.

Because of the serious budget impact of large and unpredictable criminal cases, current LSS policy is to terminate legal aid coverage for a client when the legal aid fees paid or billable for his or her criminal proceeding reach $50,000. This limit applies to all cases that began the hearing of a trial, appeal, or retrial after January 31, 1998. Discussions between LSS and the Ministry of Attorney General about funding such cases have not resulted in a protocol that would indemnify the Society for these costs. However, the ministry has initiated a Canada-wide review of how other legal aid plans manage large cases. This review, being conducted under the auspices of the Permanent Working Group on Legal Aid (a sub-committee of the Federal-Provincial-Territorial Deputy Ministers of Justice Committee), could provide helpful information about other approaches to this issue.

This year, the Ministry of Attorney General implemented some of the new court rules recommended in the ***Report of the Chief Judge: Delay and Backlog in the Provincial Court of British Columbia*** (April 1998). The ministry provided the Society with interim additional funding of $250,000 for the first phase of implementing the new arraignment court processes. Accordingly, LSS implemented tariff rates for arraignment court, effective October 1999 through March 31, 2000. In March, the ministry advised LSS it would provide additional funding for this tariff item to cover the first quarter of 2000 – 2001.

Promotion of self-help materials for criminal matters not covered by the tariff resulted in their increased use at the intake stage this year.

Demand for legal aid: Criminal matters 1999 – 2000

In 1999 – 2000, 53.3% of legal aid referrals were for criminal matters, down from just over 55% the previous year.

Region [1]	Total applications	Adult referrals		YOA referrals		Total referrals	Information/ Summary advice, etc.
		Staff lawyers	Private bar lawyers	Staff lawyers	Private bar lawyers		
Lower Mainland/ Fraser Valley	20,084	1,943	9,312	988	1,659	13,902	1,169
Vancouver Island	7,495	332	3,426	155	1,318	5,231	1,079
Southern Interior	5,599	364	2,985	135	788	4,272	488
Northern B.C.	5,231	324	2,829	149	772	4,074	163
Total	**38,409**	**2,963**	**18,552**	**1,427**	**4,537**	**27,479**	**2,899**

[1] See page 54 for a list of offices by region.

Sample cases

- A case in which a client was charged with robbing two Korean shopkeepers raised questions about police conduct. Cross-examination of witnesses revealed that while they purportedly identified the accused as the robber from photographic line-ups, they meant only to say the accused looked like the robber. The Crown thought they must have misunderstood the questions. When the judge asked the interpreter if there "is a word for similar in Korean," she replied, "Oh yes, one for same and one for similar." It was also shown at the trial that if the accused had committed the robbery, he would have had to strip off his outer clothing and dump it before police confronted him minutes later. The client was acquitted.
- A young single mother, just laid off from work, was despondent following the recent death of a relative in disturbing circumstances. Police arrived at her residence in response to a noise complaint. As matters went from bad to worse, she was charged with causing a disturbance and placed in a police car. She broke a window and escaped from the car, only to be picked up shortly afterwards. She was then charged with damaging a police vehicle and escaping lawful custody. This client had no prior record and was deeply distressed about the charges against her and the prospect of having a criminal record. After discussions with Crown counsel, the Crown agreed to stay the charges of causing a disturbance and willful damage. The client pleaded guilty to escaping lawful custody. As a result of defence counsel submissions, the court agreed to give the client a conditional discharge. This sentence allowed her to retain her clean record, which would help her obtain employment more easily and support her children.
- A client suffering from bipolar disorder and paranoia was charged with 11 counts of making obscene telephone calls, including one to a 911 operator. Defence counsel was able to steer the client clear of the mental disorder provisions of the Criminal Code and the attendant involvement of the Review Board, and instead obtained a six-month conditional discharge with minimal conditions on a single count. The other 10 counts were stayed.

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Criminal cases by charge code category 1999 - 2000

Issue	Referrals	%
Category 1	17,588	23.0
Category 2	31,822	41.6
Category 3	25,912	33.9
Category 4	1,166	1.5
Total [1]	**76,488**	

Note: Category 1 includes the least serious offences, such as breach of probation, motor vehicle offences (e.g., driving while suspended), or escapes. Category 2 includes most summary or hybrid offences, such as simple assault, more serious driving offences (dangerous driving, driving while impaired), or theft under $5,000. Category 3 includes most indictable offences, such as more serious assault, breaking and entering, or criminal negligence. Category 4 includes the most serious offences, such as murder, kidnapping, or aggravated sexual assault.

[1] The total will be higher than the total number of referrals in the Demand for Legal Aid chart on page 21 because applications often include more than one charge code.

Family law

In accordance with section 3 of the Legal Services Society Act (see page 4), LSS provides legal aid for family matters for financially eligible people who –

- have serious family problems – for example, if they or their children are at risk of abuse, or they may lose contact with their children;
- need help to start getting maintenance payments or custody of/access to their children and no other organization in their community can help them;
- face an immediate and substantial prospect of going to jail as a result of maintenance enforcement proceedings;
- have had (or are at risk of having) their children taken away by the Ministry for Children and Families; or
- require legal representation to deal with custody and access of a child in the care of the Ministry for Children and Families.

The Family Case Management Program (FCMP) allows the Society to assess cases at regular intervals after the initial referral to ensure they continue to meet coverage and eligibility guidelines, and that the actions being taken or proposed are ones reasonable people would expect if they were paying for their own lawyers. FCMP applies to all family matters except those that fall under the Child, Family, and Community Service Act (CFCSA).

This year, the Society relaxed its coverage slightly, to include –

- variation of a Supreme Court child maintenance order when there has been a significant change in circumstances and the difference in child support payments would be at least $100 per month, and
- variation of a custody and access order when an existing relationship between a parent and child is in jeopardy.

Applicants with family problems may be referred to lawyers or, under certain circumstances, diverted to available alternative services in the community. Diversion to a family justice counsellor for dispute resolution services may occur where –

- there is no history of abuse; or
- interim orders are not immediately necessary to ensure the immediate safety of the applicant and/or his or her children; and
- the applicant agrees to be diverted. The applicant's agreement is not required if the only issue is obtaining an initial maintenance order.

If mediation succeeds, applicants diverted to family justice counsellors may return to LSS for independent legal advice before signing a consent order. If mediation is unsuccessful, applicants may return to LSS for further legal aid services.

This year, LSS and the Ministry of Attorney General began a joint evaluation of the Family Justice Diversion Project to determine whether it has achieved the intended reduction in referrals to the legal aid tariff for family matters. After gathering statistics from legal aid and family justice counsellor offices, six sites were selected for further research – Abbotsford, Burnaby, Richmond, Nanaimo, Kelowna, and Smithers. This evaluation should be completed in 2000 – 2001.

2000 – 2001 initiative

- Pilot a child welfare support initiative in three to five aboriginal communities around the province where child apprehension rates have been high. LSS staff and band personnel will provide on-reserve support, information, and advocacy for parents to find alternatives to apprehension, and perhaps divert cases out of the courts. LSS will then evaluate the impact of the program on child apprehension decisions and court dispositions.

Demand for legal aid: Family matters 1999 – 2000

In 1999 – 2000, 26.8% of legal aid referrals were for family matters, up from just under 26% the previous year.

Region [1]	Total applications	Family referrals		Child protection (CFCSA) referrals		Total referrals	Information/ Summary advice, etc.
		Staff lawyers	Private bar lawyers	Staff lawyers	Private bar lawyers		
Lower Mainland/ Fraser Valley	9,734	748	3,475	211	1,018	5,452	1,587
Vancouver Island	6,133	99	2,544	8	646	3,297	1,444
Southern Interior	4,741	30	2,391	4	531	2,956	695
Northern B.C.	3,778	360	1,168	88	507	2,123	527
Total	**24,386**	**1,237**	**9,578**	**311**	**2,702**	**13,828**	**4,253**

[1] See page 54 for a list of offices by region.

Sample cases

- A lawyer obtained spousal maintenance last year for a young woman from Honduras, despite a very short relationship between herself and her husband, a wealthy, much older Canadian. After advertising in the Honduran papers for a young bride, the man went to Honduras and married her, then paid for her to come here, promising Immigration Canada he would support her. Within a year, they separated due to incompatibility. On appeal, the husband tried to have her support award set aside, and tried again to obtain an annulment (which was defeated in the original trial). The appeal was heard this year and the court upheld the original decisions.
- After many years of caring for her four children, a mother was suddenly faced with a Master's order shifting custody of three of them to the father, in spite of the fact that he had accrued substantial arrears in support payments. The father had made an interim application for custody after child welfare authorities very briefly removed the children from the mother's care. A lawyer successfully appealed the Master's order, took the matter to trial, and succeeded in returning custody of the children to the mother.
- The Ministry for Children and Families removed the daughter of a client, who is blind. After a lawyer argued at the presentation hearing that the client had the right

Criminal cases by charge code category 1999 - 2000		
Issue	**Referrals**	**%**
Category 1	17,588	23.0
Category 2	31,822	41.6
Category 3	25,912	33.9
Category 4	1,166	1.5
Total [1]	**76,488**	

Note: Category 1 includes the least serious offences, such as breach of probation, motor vehicle offences (e.g., driving while suspended), or escapes. Category 2 includes most summary or hybrid offences, such as simple assault, more serious driving offences (dangerous driving, driving while impaired), or theft under $5,000. Category 3 includes most indictable offences, such as more serious assault, breaking and entering, or criminal negligence. Category 4 includes the most serious offences, such as murder, kidnapping, or aggravated sexual assault.

[1] The total will be higher than the total number of referrals in the Demand for Legal Aid chart on page 21 because applications often include more than one charge code.

Family law

In accordance with section 3 of the Legal Services Society Act (see page 4), LSS provides legal aid for family matters for financially eligible people who –

- have serious family problems – for example, if they or their children are at risk of abuse, or they may lose contact with their children;
- need help to start getting maintenance payments or custody of/access to their children and no other organization in their community can help them;
- face an immediate and substantial prospect of going to jail as a result of maintenance enforcement proceedings;
- have had (or are at risk of having) their children taken away by the Ministry for Children and Families; or
- require legal representation to deal with custody and access of a child in the care of the Ministry for Children and Families.

The Family Case Management Program (FCMP) allows the Society to assess cases at regular intervals after the initial referral to ensure they continue to meet coverage and eligibility guidelines, and that the actions being taken or proposed are ones reasonable people would expect if they were paying for their own lawyers. FCMP applies to all family matters except those that fall under the Child, Family, and Community Service Act (CFCSA).

This year, the Society relaxed its coverage slightly, to include –

- variation of a Supreme Court child maintenance order when there has been a significant change in circumstances and the difference in child support payments would be at least $100 per month, and
- variation of a custody and access order when an existing relationship between a parent and child is in jeopardy.

Applicants with family problems may be referred to lawyers or, under certain circumstances, diverted to available alternative services in the community. Diversion to a family justice counsellor for dispute resolution services may occur where –

- there is no history of abuse; or
- interim orders are not immediately necessary to ensure the immediate safety of the applicant and/or his or her children; and
- the applicant agrees to be diverted. The applicant's agreement is not required if the only issue is obtaining an initial maintenance order.

If mediation succeeds, applicants diverted to family justice counsellors may return to LSS for independent legal advice before signing a consent order. If mediation is unsuccessful, applicants may return to LSS for further legal aid services.

This year, LSS and the Ministry of Attorney General began a joint evaluation of the Family Justice Diversion Project to determine whether it has achieved the intended reduction in referrals to the legal aid tariff for family matters. After gathering statistics from legal aid and family justice counsellor offices, six sites were selected for further research – Abbotsford, Burnaby, Richmond, Nanaimo, Kelowna, and Smithers. This evaluation should be completed in 2000 – 2001.

2000 – 2001 initiative

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- The Ministry for Children and Families removed the daughter of a client, who is blind. After a lawyer argued at the presentation hearing that the client had the right

to have her child with her, the court granted the mother's request that the child reside with her. As a result of this early intervention, the case was resolved without further court proceedings.

- In another CFCSA matter, a child who had been apprehended by the ministry was returned to our client by a judge after a hotly contested first hearing stage. The ministry appealed this decision and filed the appeal documents, but ultimately withdrew and changed its position from seeking a permanent removal order to asking for a six-month supervision order. Unlike many other CFCSA matters, this case was resolved in three months without a contested protection hearing.

Family cases by issue type 1999 – 2000

Issue	Referrals	%
Access/Custody	9,127	21.7
Initial orders needed	6,693	15.9
Child maintenance	5,525	13.2
Family violence	5,162	12.3
Property division	2,383	5.7
Spousal maintenance	2,143	5.1
Divorce	2,091	5.0
Variation	1,918	4.6
Matrimonial home	1,750	4.2
Denied access	1,234	2.9
Pension	695	1.7
Personal property	578	1.4
RRSP	528	1.3
Restraining order	414	1.0
Bank accounts	360	0.9
Other	1,413	3.4
Total [1]	**42,014**	

[1] The total will be higher than the total number of family referrals in the Demand for Legal Aid chart on page 23 because applications often include more than one issue.

CFCSA cases by issue type 1999 – 2000

Issue	Referrals	%
Removal	2,115	68.9
Custody	318	10.4
Access	154	5.0
Review of agreements	130	4.2
Other	352	11.5
Total [1]	**3,069**	

[1] The total will be higher than the total number of CFCSA referrals in the Demand for Legal Aid chart on page 23 because applications can include more than one issue.

Immigration and refugee law

Section 3 of the Legal Services Society Act (see page 4) guarantees legal aid for financially eligible people who face immigration proceedings that would result in their removal from Canada. Most immigration cases covered by legal aid are refugee matters.

LSS established the Immigration and Refugee Law Clinic as part of its Vancouver branch office in 1995. An immigration client eligible for legal aid may be represented

by either clinic staff, who include three lawyers and a paralegal, or a private bar lawyer. Staff speak a variety of languages.

LSS also provides an immigration duty counsel program, which provides legal representation to people in detention in Vancouver.

A rise in refugee claims this year increased the Society's costs by more than $900,000. The claims increase was due mainly to the unexpected arrival by boat of refugee claimants from China in the summer of 1999.

As a result of Immigration Canada decisions, about 250 claimants from China were detained in facilities in Prince George and another 80 in Alouette River. Their hearings were conducted in those locations. To ensure that financially eligible applicants for legal aid were represented by lawyers experienced in immigration/refugee law matters (most of whom reside in the Lower Mainland), LSS provided these claimants with referrals through block contracts.

Demand for legal aid: Immigration and refugee matters 1999 – 2000

In 1999 – 2000, 7.7% of legal aid referrals were for immigration and refugee matters, up from just over 6% the previous year.

Region [1]	Total applications	Referrals			Information/ Summary advice, etc.
		Staff lawyers	Private bar lawyers	Total	
Lower Mainland/ Fraser Valley	4,423	448	3,303	3,751	15
Vancouver Island	206	12	160	172	18
Southern Interior	27	3	15	18	1
Northern B.C.	11	1	7	8	0
Total	**4,667**	**464**	**3,485**	**3,949**	**34**

[1] See page 54 for a list of offices by region.

2000 – 2001 initiative

- Assess and realign service delivery in immigration cases, to respond to recent court decisions and increases in the cost of these cases over the past few years.

Sample cases

- A refugee claimant from Iraq, without consulting a lawyer, went to Immigration Canada and asked to withdraw his refugee claim. A few days later, he contacted a lawyer, saying he regretted this decision and was still afraid to return to Iraq. The lawyer applied to reopen the client's refugee claim based on new psychological evidence that indicated he suffered from panic attacks and adjustment disorder. Immigration Canada staff refused to consider the application, saying they had no jurisdiction to do so. The lawyer applied to the Federal Court of Canada, which held that Immigration Canada does have jurisdiction and ordered it to consider reopening the application. A decision on the application is pending.

This year, lawyers represented the following clients who were granted Convention refugee status, which permits them to remain in Canada:

- A young art student from Mexico went to the Chiapas region with friends to work on a book about the guerilla movement there. In the course of her work in Chiapas, she witnessed human rights abuses committed by government soldiers. After she returned to Mexico City, she received threatening phone calls, her photographs were stolen, and she was unable to locate one of her close friends who had remained in Chiapas. The client fled Mexico, fearing for her life.

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- A woman and her children from Zaire (now known as the Congo) were forced to leave their country after armed soldiers attacked their home, killed several of their relatives, and took away the women's husband. A successful businessman who supported a pro-democracy party, the husband was never seen again. The client was subjected to abuse and threats.

Immigration/refugee matters by country of origin 1999 – 2000

Country	Applications	Referrals
China	889	733
Honduras	333	320
Mexico	327	319
Iran	176	170
Russia	102	97
United States	100	92
Hungary	90	86
El Salvador	86	83
Pakistan	72	71
Columbia	65	57
Other	2,427	1,921
Total	**4,667**	**3,949**

Other civil (poverty) law

Other civil law matters (also known as poverty law) include landlord/tenant disputes, workers' compensation claims, Canada Pension Plan issues, income assistance appeals, consumer protection issues, Employment Insurance appeals, foreclosures, and bankruptcies.

The most urgent civil law problems are given priority – matters that affect applicants' ability to feed, clothe, and house themselves and/or their families (see page 4).

Generally, a plaintiff who may receive money as a result of a civil action is not covered by legal aid. For example, a plaintiff in a personal injury Insurance Corporation of B.C. case will rarely qualify for legal aid.

Work began this year on a *Poverty Law Resource Manual* to address legal issues and on-reserve processes that affect aboriginal clients. The substantive law has been researched and a first draft of the manual written. The manual should be completed in 2000 – 2001.

Since the completion of the *Poverty Law Services Review Committee Final Report* in March 1998, LSS has been working on refining standards and guidelines to ensure clients across the province have better access to the same base level of poverty law service, as appropriate for each community. This year, part-time Staff Poverty Lawyer Anne Beveridge, on contract with LSS, produced a strong core of resources that will serve as a foundation for developing a poverty law policy and standards manual.

Demand for legal aid: Other civil (poverty) law matters 1999 – 2000

In 1999 – 2000, 11.8% of legal aid referrals were for other civil (poverty) law matters, down from just over 12% the previous year.

Region [1]	Total applications	Referrals				Information/ Summary advice, etc.
		Staff lawyers	Paralegals	Private bar lawyers	Total	
Lower Mainland/ Fraser Valley	4,300	665	2,385	91	3,141	577
Vancouver Island	2,770	360	745	78	1,183	1,213
Southern Interior	1,290	397	473	59	929	135
Northern B.C.	1,344	237	578	34	849	198
Total	**9,704**	**1,659**	**4,181**	**262**	**6,102**	**2,123**

[1] See page 54 for a list of offices by region.

2000 – 2001 initiative

- Develop a policy and standards manual to ensure the cost-effective delivery of quality poverty services.

Sample cases

- Poverty law staff represented a pensioner in a remote area, who had agreed, years earlier, to buy the house he lived in and have the vendor hold the mortgage. Just before the last payment was due, the vendor sent our client an eviction notice, claiming theirs was a landlord/tenant relationship. Staff started a Supreme Court action on behalf of the pensioner. After discoveries were completed, the vendor agreed to transfer title of the home and property to our client.
- A young man, who has custody of his two-year-old son, was surprised when his Child Tax Benefit was cut off, and his income tax return and GST rebate were garnisheed. It turned out that the child's mother, who babysat while the father was at work, had asked our client to sign a letter stating she was the "primary caregiver." He took this in the context of babysitting, and signed. She then sent the letter to Revenue Canada, who began paying her the Child Tax Benefit and charged the father with an overpayment. It took almost a year to wade through the red tape, but poverty law staff finally got the father's benefit reinstated and the garnisheed amounts returned to him.
- A client who was left mentally challenged after suffering a stroke in his late teens received a loan to start his own business from a government program that promotes self-employment for the disabled. Although the program was supposed to provide business training and mentoring, this client received only a day and a half of group instruction over two years. To support his business, he borrowed more than $40,000 from the program and provided a chattel mortgage against the family vehicle as security for the loan. He was assured that the lender would never execute against the vehicle. However, when the business failed, the lender seized the vehicle. LSS poverty law staff began a Supreme Court action against the lender for breach of contract, citing, among other things, the failure to provide training and mentoring. Before the matter was heard in court, staff negotiated a settlement and the lender returned the client's vehicle.

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Other civil law cases by issue type 1999 - 2000

Issue	Referrals	%
B.C. Benefits	1,900	27.2
Housing	756	10.8
Debt & collections	355	5.1
Canada Pension Plan/Old Age Security	280	4.0
Disciplinary charge [1]	250	3.6
Employment Insurance	241	3.4
Referrals [1]	239	3.4
Workers' compensation	212	3.0
Family: Non-tariff	209	3.0
Mental health & adult guardianship	206	2.9
Torts/Negligence	189	2.7
Wills/Estates	163	2.3
Parole suspension/revocation [1]	155	2.2
Criminal injury compensation & victim assistance	141	2.0
Transfer, involuntary [1]	115	1.6
Administrative segregation [1]	102	1.5
Foreclosure	100	1.4
Other	1,382	19.8
Total [2]	**6,995**	

[1] Prisoners' issues.

[2] The total will be higher than the total number of referrals in the Demand for Legal Aid chart on page 27 because applications can include more than one issue.

Human rights law

The B.C. Human Rights Commission funds a human rights tariff administered by LSS, which applies only to issues the commission recognizes.

Clients making human rights complaints do not have to be financially eligible to receive legal aid. Respondents to complaints are given an income test to determine if they are financially eligible for legal aid, and must now also pay client contributions where applicable (see page 32).

Demand for legal aid: Human rights matters 1999 – 2000

In 1999 – 2000, 0.3% of legal aid referrals were for human rights matters, down from 0.4% the previous year.

Region [1]	Total applications	Referrals			Information/ Summary advice, etc.
		Staff lawyers	Private bar lawyers	Total	
Lower Mainland/ Fraser Valley	146	0	116	116	1
Vancouver Island	46	1	28	29	11
Southern Interior	24	0	20	20	1
Northern B.C.	17	1	10	11	2
Total	**233**	**2**	**174**	**176**	**15**

[1] See page 54 for a list of offices by region.

Judicial appeals

Judicial appeals include –

- appeals of lower court decisions made to the B.C. Supreme Court, the B.C. Court of Appeal, and the Supreme Court of Canada; and
- applications to judicially review decisions made by administrative boards or tribunals (for example, under the Immigration Act or the B.C. Benefits Acts). These applications are made to the B.C. Supreme Court or the Federal Court Trial Division.

Applicants who are financially eligible for legal aid may be covered if they are responding to appeals initiated by another party. Otherwise, LSS funds only those appeals and judicial reviews that fall under the Society's regular coverage criteria and have a reasonable chance of success. All appeals and all services to be provided in each case must be approved by the Appeals Department.

Demand for legal aid: Judicial appeals 1999 – 2000

Type of legal problem	Total applications	Referrals			Information/ Summary advice, etc.
		Staff lawyers	Private bar lawyers	Total	
Criminal	880	18	407	425	4
Family/CFCSA	269	3	112	115	7
Immigration [1]	1,402	JR: 20 AS: 229	JR: 204 AS: 541	JR: 224 AS: 770	2
Human rights	17	0	9	9	0
Other civil (poverty)	72	17	10	27	9
Total	**2,640**	**287**	**1,283**	**1,570**	**22**

These figures are included in the Demand for Legal Aid totals on pages 9, 21, 23, 25, 27, and 28.

[1] There are two kinds of immigration referrals: JR = a referral for a judicial review, where a formal hearing is held in federal court. Applications must pass a merit test before these referrals are issued. AS = a referral for ancillary services, which entail submissions to the Minister of Immigration under sections 9, 53, and 70 (5) of the Immmigration Act and section 2 of the Regulations (no formal hearing is held). These applicants would have been denied a referral for judicial review. Referrals for ancillary services are not subject to a merit test. Ancillary services include, for example, submissions to the minister to allow an applicant to remain in Canada for humanitarian and compassionate reasons.

Prisoners' services

All offices provide services to financially eligible prisoners, ranging from summary advice to legal representation for family, immigration, and criminal matters. In addition, Prisoners' Legal Services in Abbotsford deals exclusively with prison and parole-related legal issues for the men and women incarcerated in prisons and penitentiaries from Vancouver to Agassiz.

Prisoners' program staff also give legal information and summary advice, make written submissions, and negotiate on behalf of clients. If all else fails, they litigate. Staff help prisoners with disciplinary hearings, parole hearings, involuntary transfers or solitary confinement placements, sentence calculations, involuntary treatment issues, assaults on prisoners, parole or statutory release conditions, and institutional interference with family visits and correspondence.

Staff are very experienced in prison law matters and have worked on hundreds of cases over the years to help improve conditions in B.C. prisons and penitentiaries.

In a September 15, 1999 judgment, the Supreme Court of Canada ruled that prisoners facing disciplinary proceedings are entitled to legal services under the Legal Services Society Act. Known as the *Winters* case, the ruling gives LSS the discretion to

Other civil law cases by issue type 1999 - 2000

Issue	Referrals	%
B.C. Benefits	1,900	27.2
Housing	756	10.8
Debt & collections	355	5.1
Canada Pension Plan/Old Age Security	280	4.0
Disciplinary charge [1]	250	3.6
Employment Insurance	241	3.4
Referrals [1]	239	3.4
Workers' compensation	212	3.0
Family: Non-tariff	209	3.0
Mental health & adult guardianship	206	2.9
Torts/Negligence	189	2.7
Wills/Estates	163	2.3
Parole suspension/revocation [1]	155	2.2
Criminal injury compensation & victim assistance	141	2.0
Transfer, involuntary [1]	115	1.6
Administrative segregation [1]	102	1.5
Foreclosure	100	1.4
Other	1,382	19.8
Total [2]	**6,995**	

[1] Prisoners' issues.

[2] The total will be higher than the total number of referrals in the Demand for Legal Aid chart on page 27 because applications can include more than one issue.

Human rights law

The B.C. Human Rights Commission funds a human rights tariff administered by LSS, which applies only to issues the commission recognizes.

Clients making human rights complaints do not have to be financially eligible to receive legal aid. Respondents to complaints are given an income test to determine if they are financially eligible for legal aid, and must now also pay client contributions where applicable (see page 32).

Demand for legal aid: Human rights matters 1999 – 2000

In 1999 – 2000, 0.3% of legal aid referrals were for human rights matters, down from 0.4% the previous year.

Region [1]	Total applications	Referrals			Information/ Summary advice, etc.
		Staff lawyers	Private bar lawyers	Total	
Lower Mainland/ Fraser Valley	146	0	116	116	1
Vancouver Island	46	1	28	29	11
Southern Interior	24	0	20	20	1
Northern B.C.	17	1	10	11	2
Total	**233**	**2**	**174**	**176**	**15**

[1] See page 54 for a list of offices by region.

Judicial appeals

Judicial appeals include –

- appeals of lower court decisions made to the B.C. Supreme Court, the B.C. Court of Appeal, and the Supreme Court of Canada; and
- applications to judicially review decisions made by administrative boards or tribunals (for example, under the Immigration Act or the B.C. Benefits Acts). These applications are made to the B.C. Supreme Court or the Federal Court Trial Division.

Applicants who are financially eligible for legal aid may be covered if they are responding to appeals initiated by another party. Otherwise, LSS funds only those appeals and judicial reviews that fall under the Society's regular coverage criteria and have a reasonable chance of success. All appeals and all services to be provided in each case must be approved by the Appeals Department.

Demand for legal aid: Judicial appeals 1999 – 2000

Type of legal problem	Total applications	Referrals			Information/ Summary advice, etc.
		Staff lawyers	Private bar lawyers	Total	
Criminal	880	18	407	425	4
Family/CFCSA	269	3	112	115	7
Immigration [1]	1,402	JR: 20	JR: 204	JR: 224	2
		AS: 229	AS: 541	AS: 770	
Human rights	17	0	9	9	0
Other civil (poverty)	72	17	10	27	9
Total	**2,640**	**287**	**1,283**	**1,570**	**22**

These figures are included in the Demand for Legal Aid totals on pages 9, 21, 23, 25, 27, and 28.

[1] There are two kinds of immigration referrals: JR = a referral for a judicial review, where a formal hearing is held in federal court. Applications must pass a merit test before these referrals are issued. AS = a referral for ancillary services, which entail submissions to the Minister of Immigration under sections 9, 53, and 70 (5) of the Immmigration Act and section 2 of the Regulations (no formal hearing is held). These applicants would have been denied a referral for judicial review. Referrals for ancillary services are not subject to a merit test. Ancillary services include, for example, submissions to the minister to allow an applicant to remain in Canada for humanitarian and compassionate reasons.

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In a September 15, 1999 judgment, the Supreme Court of Canada ruled that prisoners facing disciplinary proceedings are entitled to legal services under the Legal Services Society Act. Known as the *Winters* case, the ruling gives LSS the discretion to

determine what level of service to provide, based on the circumstances in each application. Services may range from a paralegal giving brief summary advice over the telephone to a lawyer providing full legal representation at the hearing. To comply with the judgment, LSS added staff to the Prisoners' Legal Services office in Abbotsford.

Reciprocals

Provinces and territories in Canada provide the same level of civil and family legal aid coverage to people who live outside – but face legal proceedings within – their jurisdiction as they provide to their own residents. The inter-provincial reciprocal agreement, implemented by the Association of Legal Aid Plans of Canada, sets out the procedures for this coverage.

LSS community offices process requests by B.C. legal aid applicants for cases in other jurisdictions. Staff assess applicants' financial eligibility, gather all relevant documents, and refer those who are eligible to the appropriate provincial plan. In 1999 – 2000, of 456 applications, 300 were referred to other legal aid plans.

The Vancouver Intake Clinic processes incoming reciprocals (from other provinces). Staff assess coverage and refer eligible applicants to lawyers in the communities where court actions are to take place. In 1999 – 2000, of 293 incoming applications, 236 were referred to lawyers in B.C.

Financial Eligibility

Anyone whose net household income and assets are below set limits is financially eligible for legal aid. Intake workers assess each applicant's financial status to determine his or her net household income and assets. Some income sources, such as the Child Tax Benefit, are excluded from total net income, and some expenses, such as daycare costs, are deducted.

Applicants whose income is below the guidelines may own some assets and still be eligible for legal aid. There are five asset categories: family home, real property (except the family home), vehicles, business assets, and personal property. Each category has different limits, but generally applicants may still qualify for legal aid if they have some personal property (e.g., reasonable household furnishings), a small amount of liquid assets (e.g., cash, bank accounts), and equity of $5,000 or less in vehicle(s).

As a condition of receiving a legal aid referral, clients must agree to repay some or all of their legal aid costs if their financial situations improve.

Applicants whose income and assets are above the financial eligibility limits can still receive legal information and summary advice.

There are two maximum income levels: one for criminal matters and one for all other matters. These different levels were introduced when eligibility cuts were made in 1997, in response to concern that those cuts would affect women more severely than men. The Income/Asset guidelines chart on page 31 sets out the LSS income and personal property asset guidelines that were in effect throughout 1999 – 2000.

Since July 1, 1998, applicants whose net household income exceeds the guidelines by up to $150 are eligible for legal aid if they face –

- an emergency family problem; or
- a Child, Family, and Community Service Act matter.

2000 – 2001 initiative

- Effective April 1, 2000, raise the financial eligibility limits by 3.5%, to increase the number of eligible criminal and family applicants (780 more criminal cases and 412 more family cases anticipated).

Income/Asset guidelines

Income			Assets
Household size	Criminal cases (includes Appeals)	All other cases (includes Appeals)	Personal property exemption (all cases)
1	$ 833	$ 941	$ 2,000
2	1,250	1,412	4,000
3	1,458	1,647	4,500
4	1,612	1,821	5,000
5	1,778	2,008	5,500
6	1,932	2,183	6,000
7 or more	$ 2,065	$ 2,333	$ 6,000

Financial eligibility reassessments

A legal aid client's financial eligibility may be reassessed from time to time to determine if he or she is still financially eligible or should have legal aid discontinued and pay his or her own lawyer privately. Such reassessments normally occur –

- if the client's financial circumstances have changed during the course of a referral;
- if LSS becomes aware of assets, income, or family relationships that the client did not reveal during intake;
- when a new case is opened;
- when a change of lawyer occurs;
- at the request of the Family Case Management Program (for family cases);
- as a result of a complaint about the client's financial eligibility; or
- on a random basis for auditing purposes.

A legal aid client's financial eligibility is always reassessed if he or she receives assets or money. In such cases, LSS calculates the total amount received, and determines whether to convert the legal aid referral to a private fee retainer and collect a payment from the client.

There is a basic exemption of $10,000 in assets or money received to cover basic needs, including housing. The maximum a client could be asked to pay toward legal expenses is 50% of the amount received, after deducting this exemption.

The amount received in recoveries from clients in 1999 – 2000 was $399,404.

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The amount received in recoveries from clients in 1999 – 2000 was $399,404.

Client Contributions

Applicants whose household income after deductions falls within the LSS contribution guidelines must pay a contribution ranging from $25 to $100 before being referred to a lawyer or staff paralegal. With some important exceptions – for example, a client with emergency family problems – the contribution must be paid in full before staff can refer the applicant to a lawyer.

Income from client contributions for 1999 – 2000 was $199,143.

Client contributions by monthly income level after deductions

Household size	Monthly income after deductions				
1	$ 0 – 644	$ 645 – 678	$ 679 – 775	$ 776 – 872	Over $ 872
2	0 – 923	924 – 972	973 – 1,111	1,112 – 1,250	Over 1,250
3	0 – 1,129	1,130 – 1,189	1,190 – 1,359	1,360 – 1,529	Over 1,529
4	0 – 1,283	1,284 – 1,350	1,351 – 1,543	1,544 – 1,736	Over 1,736
5	0 – 1,396	1,397 – 1,469	1,470 – 1,679	1,680 – 1,889	Over 1,889
6	0 – 1,489	1,490 – 1,567	1,568 – 1,791	1,792 – 2,015	Over 2,015
7 or more	0 – 1,584	1,585 – 1,665	1,666 – 1,903	1,904 – 2,141	Over 2,141
Contribution	**None**	**$ 25.00**	**$ 50.00**	**$ 75.00**	**$ 100.00**

Coverage and Eligibility Reviews

Applicants who are refused legal aid have the right to have that decision reviewed. They must request an appeal of the refusal within 21 days of receiving the decision. This right extends to many other decisions that affect applicants and clients; for example, financial eligibility reassessments. The chief executive officer or his or her designate makes final decisions on reviews.

LSS has the right to refuse to provide legal aid services if the intake worker believes an applicant is not financially eligible, or if the applicant's problem does not fall under the Society's coverage rules, or if the applicant has not provided sufficient information to satisfy LSS that he or she is eligible for legal aid.

In 1999 – 2000, LSS received and assessed 1,270 requests for coverage and eligibility reviews. Of these, 81 were approved, 1,052 were refused, and 43 were abandoned (i.e., the matter was returned to the referring office to consider additional information or issues, or the applicant resolved the matter by other means). At year-end, decisions were pending on 94 requests.

Client Confidentiality

All information an applicant or client gives to LSS is subject to solicitor-client privilege. LSS cannot disclose that information to any third party without the applicant's or client's explicit approval. Solicitor-client privilege is protected under section 12 of the Legal Services Society Act and section 14 of the Freedom of Information and Protection of Privacy Act (FOIPPA).

Freedom of information

As a public agency, LSS is covered by the FOIPPA. LSS makes every effort to give applicants, clients, and the general public access to information they are entitled to have, while protecting personal privacy.

In 1999 – 2000, LSS closed files on 12 requests for information under the FOIPPA (11 new requests and 1 file carried over from the previous year). Of these files, 7 were

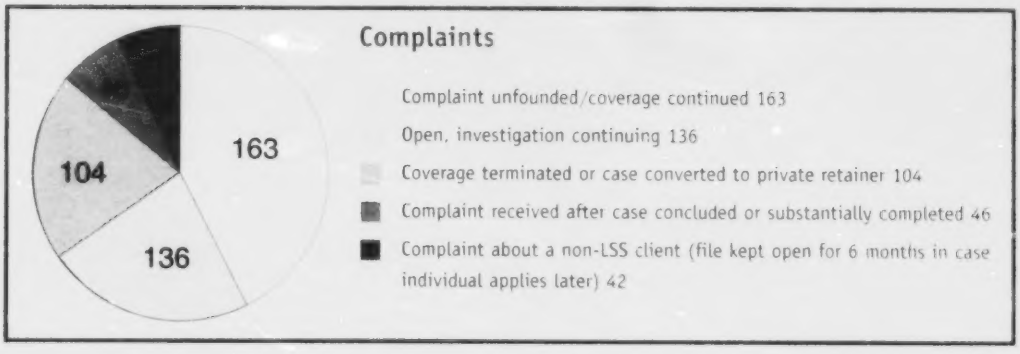
requests from clients. Information was denied to 4 applicants, fully disclosed to 4, and partially disclosed to the rest. The most common reasons for denying access to all or some records are that releasing the information would harm a third party's personal privacy and/or the requested information is protected by solicitor-client privilege.

One request remained open as of March 31, 2000, pending judicial review. This request was received from the media in January 1999, asking that LSS name the five lawyers who billed the most for criminal cases and the five who billed most for immigration cases over an eight-month period in the previous year. LSS released the amounts billed but withheld the lawyers' names based on concerns that releasing this information could violate solicitor-client privilege and/or confidentiality, and contravene protection of personal privacy. On review, the Information and Privacy Commissioner in July 1999 ruled LSS should release the names. LSS requested a judicial review of this decision on August 27, 1999.

Complaints

Anyone can complain to LSS about issues ranging from possible abuse of legal aid or wheelchair access at a community office to the quality of a lawyer's service. LSS forwards complaints to the appropriate office or department for investigation. Decisions are reviewed to maintain consistent investigations throughout the province.

In 1999 – 2000, LSS received complaints that claimed 491 individuals were improperly receiving legal aid. The following chart shows the outcome of investigations into those complaints.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Public Legal Education and Information

Providing the public with legal education and information is an integral part of the LSS mandate (see page 4). Staff in community offices, the Legal Resource Centre (LRC), the Public Legal Education and Publishing programs, and Native Programs offer a wide variety of services that increase and improve public access to – and involvement in – the law. Public legal education (PLE) materials and activities fill a number of key needs, such as –

- giving staff updated legal information and resources to use in providing summary advice and legal representation services to the public;
- providing the public with information and/or self-help materials that can help them solve their legal problems without legal representation whenever possible and appropriate; and

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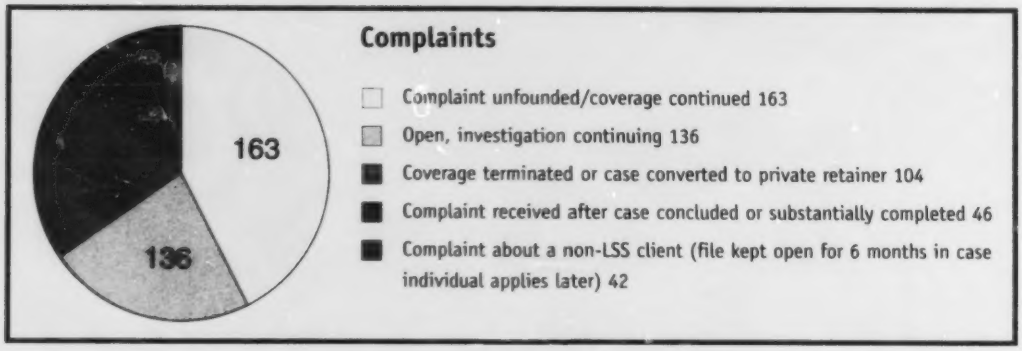
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- giving staff updated legal information and resources to use in providing summary advice and legal representation services to the public;
- providing the public with information and/or self-help materials that can help them solve their legal problems without legal representation whenever possible and appropriate; and

- helping newcomers to the province gain access to legal information and legal aid services.

Publications

"The publications are wonderful! Timely and easy to understand! Thank you for your good work." — R. Spark, former Program Manager, Chilliwack Resource Library

Native Programs and the Public Legal Education Program update and co-ordinate production of numerous legal self-help and information materials. The Publishing Program uses plain language editing and design expertise to produce PLE materials that help client groups identify, avoid, or resolve common legal problems. The program distributes these materials to legal aid offices, community groups, libraries, government agencies, and the public. Some publications are produced in the most needed languages other than English, such as Chinese, Farsi, French, Punjabi, Russian, Spanish, and Vietnamese. These materials are described in the ***LSS Publications Catalogue***. In addition, the program maintains information about LSS and some PLE publications on the LSS Web site (at http://www.vcn.bc.ca/lssbc/).

In 1999 – 2000, the Publishing Program distributed 189,738 PLE items. Of these, most were produced by LSS (163,692 were copies of Public Legal Education Program publications, and 13,357 were copies of Native Programs publications). The rest were 8,637 copies of Tenants' Rights Action Coalition publications, 2,592 copies of People's Law School publications, and 1,460 copies of publications from other organizations.

LSS is committed to helping people without lawyers resolve their legal problems in those areas of law where legal aid representation is no longer available. As part of that effort, this year, the PLE program contracted to produce a video and self-help guide, "Making Your Case: The family court process," on varying a support order in family court. This material explains the forms and procedures used in making or responding to an application in family court and should be ready early next fiscal year. The program also increased distribution of criminal self-help materials to legal aid offices and reprinted the fact sheet ***If You Are Charged with a Crime.***

2000 – 2001 initiatives

- Revise self-help materials, as necessary, and canvass available options for delivering legal services to self-represented litigants. The Society will work with the private bar, the Ministry of Attorney General, community groups, and other stakeholders to develop programs to provide a broader range of information and advice services to help applicants who do not qualify for legal aid for their problems.
- To ensure that information about rights and benefits for seniors is available in languages other than English, develop and publish fact sheets in six languages based on the recently released publication ***When I'm 64: A guide to benefits and services for people aged 60 and over.***

New and revised publications

Employment Insurance

This revised booklet, available in Chinese, Farsi, Punjabi, and Spanish, explains the Employment Insurance process and an applicant's rights, in easy-to-understand language and format.

Each translation is based on an LSS adaptation of ***Employment Insurance (formerly known as Unemployment Insurance)***, which was written by Ontario community legal clinics and edited and produced in English by Community Legal Education Ontario (CLEO), in 1999.

Parents' Rights, Kids' Rights: A parent's guide to child protection law in B.C.

This revised edition, in English, is for the parents or guardians of a child if the B.C. Ministry for Children and Families removes their child from their homes or tells them they have concerns about the child's safety or well-being. *Parents' Rights, Kids' Rights* explains parents' legal rights and responsibilities, the court process, and where to get legal help. Other family members and advocates in the community may also find this booklet useful.

Sponsorship Breakdown

Sponsorship Breakdown, available in Chinese, English, Punjabi, and Vietnamese, contains useful information for people who need help with immigration and/or social assistance. It explains what to do if the people who sponsored them to come to Canada are unwilling or unable to support them, and they are unable to support themselves. *Sponsorship Breakdown* is written for family class immigrants (people sponsored by their children, grandchildren, husbands, wives, fiancé(e)s, or parents).

In addition to basic information about sponsorship and what happens if it breaks down, and information about how to apply for welfare if sponsorship breaks down, this booklet also contains a list of community organizations that can help with welfare or immigration matters and a list of definitions.

Legal Aid: We can give you legal help

Legal Aid: We can give you legal help, available in an updated version in Chinese, English, Farsi, Punjabi, Spanish, and Vietnamese, explains what legal aid is, how to qualify, how to apply, and what types of cases legal aid covers. The brochure also lists all offices that offer legal aid across British Columbia.

Award-winning publications

Once again, LSS staff were recognized with Communicator and Apex Awards for producing excellent PLE publications.

Five publications received 2000 Communicator Awards, which were founded in the U.S. five years ago by communications professionals to recognize excellence in the communications field.

- The *Aboriginal Justice Bulletin*, Summer 1999 issue, won an Award of Distinction in the Magazine/Non-Profit category;
- *Speaking of Abuse* (in Chinese, English, Farsi, French, Punjabi, Russian, Spanish, and Vietnamese) won an Award of Distinction in the Brochure/Educational category;
- *Human Rights, My Rights: A video for aboriginal people* (video jacket and companion booklet) won honourable mention in the Brochure/Catalogue category;
- The *LSS Publications Catalogue 1999* and its *Summer Supplement* (June 1999) won honourable mention in the Brochure/Educational category; and
- *When I'm 64: A guide to benefits and services for people aged 60 and over* won honourable mention in the Brochure/Educational category.

Two publications received 1999 Apex Awards, which are also American and recognize excellence in graphic design and editorial content, and overall excellence in effective communications.

- *Speaking of Abuse: Violence against women in relationships*, won an Award of Excellence in the Brochures, Manuals & Reports (Training and Information) category; and
- *Fishing – Aboriginal rights in British Columbia* won an Award of Excellence in the Brochures, Manuals & Reports (Special Purpose) category.

When I'm 64: A guide to benefits and services for people aged 60 and over

Completely revised for the first time since 1994, the long-awaited revision of the popular *When I'm 64* booklet for seniors (and near-seniors) contains new material on the recent adult guardianship legislation, an updated and expanded resource section, new or expanded sections on safety and security for seniors, and information on putting one's affairs in order, health care services, benefits, and housing.

Celebrating the launch of the booklet When I'm 64 *in November 1999 are, from left to right: Senior Citizen Counsellor Joyce Schmalz; Researcher and Writer Pearl McKenzie; Lawyer Anne Beveridge; Legal Information Services Director Carol McEown; and Seniors Counsellor Margaret Kocuiba.*
Photograph by Candice Lee.

Like the earlier editions, this easy-to-read booklet (available in English) answers questions about the government pensions and benefits people may be entitled to if they are 60 or over, including how to qualify, how to apply, what the benefit amounts are, and how to appeal. These benefits include Old Age Security pension, Guaranteed Income Supplement, Canada Pension Plan, and B.C. Benefits (welfare).

Your Welfare Rights: A user's guide to B.C. Benefits

Revised in July 1999 and reprinted in March 2000, this edition (in English) replaces the earlier LSS booklet on welfare called *Your Welfare Rights: Income Assistance under B.C. Benefits*. *Your Welfare Rights* includes recent changes to the government's B.C. Benefits program, and explains how to apply for benefits, what benefits are available, how to become and stay eligible for benefits, what other benefits are available, how to appeal a decision, and who can help. This booklet was reprinted with a grant from the Ministry of Social Development and Economic Security.

Newsletters

Community Law Matters

Produced four times a year by the Public Legal Education Program, this is a digest for community advocates who work in poverty law. It includes reports on recent cases, changes in legislation, resources, and community organizing initiatives.

LRC News and Supplement

The Legal Resource Centre produced four issues of the *News* and *Supplement* this year. These inform librarians and community information workers about referral agencies, changes in the law, new publications, and old materials to be discarded.

Aboriginal Justice Bulletin

Reintroduced this year by Native Programs, and intended to facilitate stronger communication between LSS offices and the aboriginal community, the *Bulletin* provides an educational resource for service providers in all areas of law, and information on a range of social justice issues, including legal developments in case law relevant to the aboriginal community.

Legal Resource Centre

The LRC is a law library for the public and legal aid staff. The library collection contains 9,000 volumes for reference use, including special collections of poverty law, native law, law and the disabled, legal literacy, legal aid, and legal education materials. The library also provides staff with access to electronic legal information materials. LRC services include the following.

Reference services

"Please continue your significant and incredible delivery of legal research and service delivery that we require in the field." — Linda Locke, Poverty Lawyer, Hazelton NCLO

LRC staff provide reference services to staff and public libraries. In 1999 – 2000, they responded to 1,445 specialized reference requests.

This year, reference librarians also compiled electronic legal research manuals for use by LSS family and poverty law staff. These manuals were tested at staff workshops and made available electronically after the workshops.

Law Line

Law Line is a legal information telephone service provided by law librarians for the general public. In 1999 – 2000, Law Line personnel responded to 12,402 requests.

Audio-visual collection

The LRC maintains a circulating audio-visual collection of B.C. law-related and educational materials. This year 854 items were circulated to community groups, schools, and colleges.

Public library grants

Public libraries can apply to the LRC for funding to purchase legal materials. In 1999 – 2000, grants totalling $24,000 serviced 69 libraries.

Workshops

The LRC sponsors a legal materials/information and reference training program. In 1999 – 2000, the centre provided or participated in 28 workshops for 491 librarians, LSS staff, and community organizations. Five workshops were regional training sessions for public librarians about legal information on the Internet. One was in Lillooet (which also included staff from the NCLO, court registry, and friendship centre), one in Clearbrook, one in Surrey, and two in Vancouver.

In addition to their usual work, LRC librarians developed Internet training skills. Eleven of this year's workshops were computer lab sessions to train most LSS lawyers, paralegals, and intake staff on how to use the Electronic Law Library and how to access legal information on the Internet.

Electronic Law Library

The Electronic Law Library (ELL), maintained by the LRC, provides basic links to reliable legal information sites for the general public, including statute, court, and government sites, as well as others containing information on topics ranging from aboriginal law to young offenders. Use of the ELL is high, with 188,000 hits in 1999 – 2000. The Internet address for the ELL is http://www.bcpl.gov.bc.ca/ell.

LRC Librarian/Information Specialist Yasmin Chandra (standing) gives instruction on accessing legal information on the Internet at an Electronic Law Library workshop in Lillooet, October 1999. Participants were June Melhuish and Cindy Frederick from the Court Registry, Shirley LaRochelle from the Employment Centre, Clara Newmark from the Friendship Centre, Phyllis Peters from Stl'atl'imx/Nlha'7kapmx Legal Services and Sheila Pfeifer and Stephanie Witt from the Lillooet Library. Photograph by Wendy Fraser, *Bridge River Lillooet News* (reprinted with permission).

This year, pending development of the LSS intranet, the ELL was expanded to provide LSS intake, paralegal, and legal staff with more detailed resources. Training materials from LRC workshops were also added to the ELL site.

2000 – 2001 initiative

- Add search engine capability to the ELL, while maintaining the current index access, to allow for keyword and subject-specific searching.

Small grants

LSS supports community participation in public legal education by providing small grants to help organizations across the province develop projects, workshops, and materials that explain the law and the legal system to the public.

Native Programs project grants

Native Programs provided $99,749 in grants to fund 25 PLE projects and $35,421 to fund 8 community development initiatives in 1999 – 2000. Organizations receiving grants included First Nations bands, friendship centres, Métis groups, Native Courtworkers, tribal police, community service agencies, and an NCLO. Below are descriptions of a few of these projects.

Children and parental legal rights workshops

The Kootenay Region Métis Association gave two separate two-day workshops on aboriginal parents and legal guardianship, in Castlegar and Cranbrook. The objective was to create greater awareness within the Métis community about legal guardianship issues to help preserve Métis culture and keep Métis families intact. The project included developing a brochure with important information on legal guardianship and a list of community agencies that can help people with these matters.

Traditional native justice in a contemporary setting

The Tsawwassen First Nation received a grant to develop guidelines for implementing traditional native justice practices and promoting awareness and services for victims of violence in their community. The project includes establishing an advisory committee, hosting five days of workshops on these issues, and producing a how-to pamphlet about implementing a traditional approach to offenders in the community and developing a constitution and by-laws.

Wills and estates on Gitksan and Wet'suwet'en reserves

The Upper Skeena Counselling and Legal Assistance Society received funding to address the lack of specialized legal services and public legal education available for the Gitksan and Wet'suwet'en people. The project developed and produced a number of publications,

including a wills and estates pamphlet for the community, a how-to pamphlet about obtaining a Certificate of Possession on reserve lands, and a probate administration guide. Workshops at each of the eight reserves in the area helped people draft wills, execute final wills, and complete wills' notices.

Public Legal Education Program project grants

The Public Legal Education Program provided $170,342 in grants to fund PLE projects across B.C. in 1999 - 2000, working with 66 community groups on 76 projects (about 30 carried over from last year). By the end of the year, 50 were completed or substantially completed. The program supported 12 groups providing advocacy services in welfare and housing law, and 7 groups working on child protection issues – an area of concern that has been growing over the last 5 years. The program also assisted 8 community offices with their PLE work. Below are descriptions of a few of these projects.

At their fall 1999 annual general meeting, federated anti-poverty group delegates congratulate Cecile Guay (far left) on receiving the Governor General's Caring Canadian Award, in honour of the International Year of the Older Person. Also shown, left to right: Anne Foss, Rhonda Dyck, Gisele Guay, and Gale Hanaback. Photograph by Penny Goldsmith.

(The PLE program provided fapg with a grant to support advocacy workshops at the AGM.)

Making Your Case: The family court process (video)

Produced by the Educating Toward Change Society, this short video focuses on preparation for and attendance at family court. Meant to be used in conjunction with a print guide developed by Glenn Gallins, director of the University of Victoria student clinical program at The Law Centre, this material will help people who want to vary (change) an order in family court. The project was co-funded by the Law Foundation of B.C.

Preventing child apprehension

The Christian Task Force on Central America received a grant to carry out four workshops for Latin American communities in the Lower Mainland and Victoria. Using popular education techniques, the presenters explained what circumstances could lead to a child's removal from the home and what participants can do to prevent it.

B.C. Coalition of People with Disabilities: Fact sheets

The PLE program continues to help the B.C. Coalition of People with Disabilities (BCCPD) produce and distribute leaflets and fact sheets that support the work of its Advocacy Access Program (AAP), the Mental Health Empowerment Advocates Program, and the Canada Pension Plan (CPP) program. In addition to revising existing material, the AAP conducted a large campaign to inform community groups about their CPP advocacy work, and distributed a poster and two pamphlets on CPP to more than 1,000 groups throughout B.C. Their final report says: "In conclusion, the Legal Services grant was invaluable to our CPP campaign . . . without the funding, we would be unable to provide the resource materials that are so crucial to all aspects of the services provided by both the BCCPD and Advocacy Access."

Community office public legal education

Across the province, staff provide a wide range of public legal education services for their communities and work with other local agencies to improve public access to and understanding of the law. These services include –

- providing general legal information in newspaper columns and on television programs;
- training lay advocates;
- speaking about the law to schools, colleges, and community groups;
- co-sponsoring conferences and giving workshops on various aspects of the law; and
- offering free information and intake clinics in communities where there are no legal aid offices.

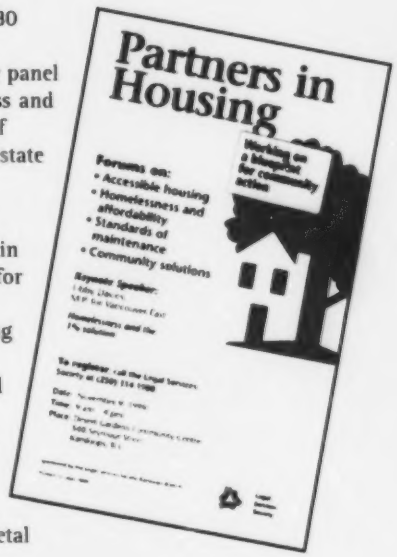
Office staff are also involved in a variety of community development and law reform activities that can provide direct benefits to a class of clients or improve client access to the legal system. Such work can reduce the need for individual representation or improve the overall functioning of the justice system.

In the past two years, LSS has worked to improve its reporting system and develop a protocol to identify, prioritize, and support law reform cases. As a result, terms of reference have been developed and a Poverty Law Reform Committee has been formed with members from offices across the province. The committee is collecting information about offices' law reform activities and will circulate this to all offices to facilitate law reform work and identify other ways the Society can support such work.

Examples of this year's work

- In **Burns Lake**, about 30 people attended a workshop on firearms legislation, an important issue for the NCLO's clients, since many of them hunt for sustenance. A number of aboriginal organizations are challenging the validity of Canada's new gun regulation legislation on the basis that it unreasonably limits the aboriginal right to hunt. Another workshop, "Deconstructing the Indian Act," was filled to capacity (60 people), and gave participants the opportunity to study the act as a whole, while learning its history and the social policy objectives of the government that passed it.
- The poverty law team at the **Campbell River** branch office led several seminars about wills and estates on reserve for First Nations bands in the North Island area. Following the initial seminars, workshops were held in which the staff lawyer helped participants draft their own wills.
- **Chilliwack's** poverty lawyer reviewed the new adult guardianship legislation for members of the local Peer Support for Seniors Group. The branch paralegal participated in a B.C. Benefits workshop at the local college and continued her work as a member of various local boards, including the Chilliwack Resource Library, the Fraser Valley Connection, and the Social Awareness Network Group.
- When staff at the **Cranbrook** CLO realized that some 45% of their poverty law clients needed help with welfare issues, they got together with the local poverty advocate and the Women's Resource Centre and organized a welfare rights workshop. Open only to income assistance recipients, the workshop provided information about welfare rights and the appeal process, and included an interactive mock tribunal. Three more welfare rights sessions are planned for the Kootenay region early next fiscal year.
- After a day-long housing forum organized by the LSS branch office in November 1999, housing was raised as an issue in the **Kamloops** municipal election campaign,

and a local housing group was rejuvenated. Attended by 80 people, the forum opened with a keynote address on "Homelessness" by MP Libby Davies. This was followed by panel discussions on "Standards of Maintenance," "Homelessness and Affordability," "Community Solutions," and "Economics of Barrier Free Design." The forum was funded by the Real Estate Foundation and an LSS PLE grant.



- The focus of the **Penticton** CLO's PLE work is its annual Law Talk series, organized in partnership with the En'owkin Centre, Pathways Addiction Resource Centre, the Ministry for Children and Families, and the South Okanagan Civil Liberties Society. This year, the series responded to growing community concern about addictive behaviour, inviting speakers who talked about the social, economic, legal, and political implications of drug use and addictions.
- Throughout the year, the legal information counsellor at the **Port Coquitlam** CLO worked with a number of organizations and took part in various information and education activities involving families dealing with fetal alcohol syndrome.
- The **Powell River** CLO and Sliammon Native Justice Committee organized a series of six workshops at the Sliammon reserve. Experts gave presentations on making a will, settling Indian estates, band government, labour/employment, taxation, and human rights.
- In June, the **Prince George** branch office began a regular series of clinics and meetings with social/community agencies in Vanderhoof, to create an awareness of poverty issues. The series included workshops on landlord/tenant issues and family law. Similar meetings were held in Mackenzie, along with a workshop on family law.

Free landlord/ tenant workshops
Housing. An issue that strikes home.
Do you know what your rights are?
Are you a landlord or tenant who needs legal help?
Free, informative workshops
Open to everyone
Date
Time
Place

- The 3rd annual Community Services Luncheon in **Prince Rupert** was organized by Intake Legal Assistant Iris Wahl of the LSS branch office and staff at the Prince Rupert Court Registry. More than 50 secretaries and support staff attended the event, which featured presentations by the RCMP and LSS about their services. As well, the branch paralegal spoke about adult guardianship at the Fairview Management Services spring conference and about representation agreements at the Self Advocates fall conference.
- About 200 people participated in a 1 day session on street rights, led by the **Vancouver** Criminal Law Clinic for the Vancouver Area Network of Drug Users (VANDU). Another 20 people participated in a discussion group on the same topic, led by clinic staff at the Carnegie Centre for the Main and Hastings Community Development Association.
- The **Victoria** CLO, in co-operation with the Canadian Bar Association and the Victoria Bar Association, operates a very successful speakers bureau, which arranges for local lawyers who want to volunteer their time to speak to community groups interested in learning about the law. This year, more than 30 lawyers addressed a variety of organizations on legal topics ranging from family litigation, the legal implications of demonstrations, co-operatives, and community enterprises, to the legal issues of dealing with a degenerative disease and the responsibilities of volunteers.

Tariffs

Private bar lawyers who represent legal aid clients in criminal, family, CFCSA, human rights, immigration and refugee, and judicial appeals matters are paid according to a schedule of fees known as the tariffs. These fees are established by LSS in consultation with the private bar. In 1999 - 2000, tariff payments came to 58.8% of all LSS expenses.

The B.C. Human Rights Commission reimburses LSS the cost of the human rights tariff for B.C. Human Rights Act matters and pays the Society an administrative fee for processing accounts.

There is no tariff for other civil (poverty) law services. Staff lawyers or paralegals, under staff lawyer supervision, do most of this work. Some matters are referred to the private bar on a pro bono (no fee) basis, in which case LSS pays the lawyers for approved disbursements (out-of-pocket expenses).

The criminal tariff is based on block fees (before holdbacks), which represent the average amount of time required for a proceeding. Block fees are generally based on court appearances, and these fees include all other related services that are not billable. The other tariffs are generally $80 per billable hour (before holdbacks) up to specified maximums for most work. The family and immigration tariff fees both pay for actual time spent in court (except for detention hearings, which are paid on a block fee basis).

Tariff expenditures (including disbursements)

Area of law	1999 – 2000	1998 – 1999
Criminal	$ 19,087,078	$ 18,865,063
Family	19,923,649	20,411,083
Immigration	5,212,065	4,169,935
Duty counsel	2,449,565	2,257,998
Human rights	310,541	332,941
Prison	92,336	72,559
Transcripts	1,432,072	1,062,920
Pro bono disbursements	138,496	183,048
Staff case disbursements	552,415	574,012
Total *	**$ 49,198,217**	**$ 47,929,559**

[1] Duty counsel includes circuit court counsel payments.

[2] The B.C. Human Rights Commission reimburses LSS the cost of the human right tariff for B.C. Human Rights Act matters.

[3] Prisoners' Legal Services has a small budget for retaining private counsel to represent prisoners at parole hearings.

* These totals consist of the following expenditures shown on page 49: tariffs plus transcripts plus duty counsel, minus Brydges (included in Duty counsel) minus mental health services (included in Tariffs). Brydges costs (reported separately in Operating Expenditures, on page 19) were $207,317 in 1999 - 2000 and $204,916 in 1998 - 1999. Mental health services costs (reported as part of CLO expenses in Operating Expenditures, on page 19) were $17,949 in 1999 - 2000 and $18,124 in 1998 - 1999.

A panel of private bar lawyers with expertise in various areas of law provides staff with advice and assistance in assessing requests for extra fees and disbursements.

This year, LSS modified its new billing system (the Case Management System, or CMS Phase 2, implemented in January 1999) so it can be used to process duty counsel fees and disbursements.

The planned systems review of the Tariff Department was begun, and an interim report was produced. A final report and consequent improvements to tariff processing will be completed in 2000 - 2001.

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Holdbacks

Tariff holdbacks are amounts deducted from accounts at the time of payment. At the end of each fiscal year, the Board of Directors determines whether any money is available in the tariff budgets to repay any portion of these amounts.

This year, the duty counsel, criminal, criminal appeals, and immigration tariff holdbacks were reduced to 10%, the same as the existing family tariff holdback. The new rates took effect for all referrals dated after June 30, 1999. Prior to this reduction, the holdbacks were 15% for duty counsel and criminal cases (including appeals), and 17% for immigration cases. Holdbacks for the family and immigration appeals tariffs were unchanged at 5%.

The family and criminal tariffs were under budget in 1998 – 1999 by $407,282 and $143,543 respectively. This year, repayments were made on a pro rata basis to lawyers affected by these holdbacks. Because immigration tariff expenditures exceeded the budget, the 1998 - 1999 holdbacks in this area will not be not repaid.

The board decided that $594,000 in holdbacks deducted from criminal accounts and $98,000 deducted from duty counsel accounts paid during 1999 – 2000 will be repaid at a later date to private bar lawyers affected by these holdbacks. The criminal tariff was under spent largely because an anticipated increase in billings as a result of the appointment of 10 new judges did not materialize. The duty counsel tariff was under spent because LSS budgeted $200,000 for a duty counsel pilot project that did not proceed. Because the other tariffs exceeded their budgets, the 1999 – 2000 holdbacks in those areas will not be repaid.

Private bar billings and recoveries

More than two-thirds (68.2%) of the private bar lawyers whose accounts were approved for payment billed LSS less than $20,000 in fees in 1999 – 2000. (These billings include cases referred before this fiscal year.)

LSS monitors billings to ensure that private bar lawyers acting for legal aid clients bill LSS appropriately for their services and disbursements. For example, Audit and Investigation staff perform random audits of expensive cases, accounts showing unusual billing patterns, and other accounts, such as those by top-billing private bar lawyers.

In 1999 – 2000, account audits led to recovering $83,543 for accounts billed in error.

2000 – 2001 initiatives

- Develop options for the LSS board to consider for recognizing ongoing private bar contributions to efficient and effective legal aid delivery in B.C.
- Explore cost-effective alternatives to the current methods of billing for and processing tariff payments, including such options as fast-track billing forms for selected criminal cases, electronic billing, and billing forms distributed to lawyers on disk.
- Expand existing quality assurance systems and ensure that all clients receive appropriate legal services by developing standards for services provided by private bar lawyers. These standards will then be incorporated into comprehensive quality assurance programs for all tariff services. A committee of board members is undertaking the preliminary work, and members of the tariff committees will also participate.

Financial Statements 1999 – 2000

Report of the Auditor General of British Columbia

To the Members of the Board of Directors,
Legal Services Society, and

To the Attorney General,
Province of British Columbia:

I have audited the balance sheet of the *Legal Services Society* as at March 31, 2000 and the statements of accumulated deficit, income and expenditures and cash flows for the year then ended. These financial statements are the responsibility of the Society's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the *Legal Services Society* as at March 31, 2000 and the results of its operations and cash flows for the year then ended in accordance with generally accepted accounting principles.

Wayne Strelioff

Victoria, British Columbia
May 19, 2000

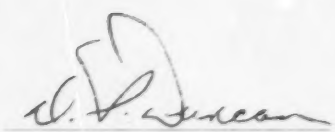
Wayne Strelioff, CA
Auditor General

Legal Services Society
Management's Responsibility for the Financial Statements

Management is responsible for the preparation of the Society's financial statements. This responsibility includes maintaining the integrity and objectivity of the Society's financial records, and presenting the Society's financial statements in accordance with generally accepted accounting principles.

Management maintains a system of internal control that ensures that all material agreements and transactions of the Society are properly recorded. The Society's financial statements for the year ended March 31, 2000 have been examined by the Office of the Auditor General. Their examination was made in accordance with generally accepted auditing standards, and included obtaining a sufficient understanding of the Society's internal controls to plan the audit.

The Board of Directors of the Society is composed solely of directors who are not employees of the Society. The Board, acting through its Finance Committee, is responsible for determining that management fulfils its responsibilities in the preparation of the financial statements and the control of the Society's financial operations. The Finance Committee meets with staff of the Office of the Auditor General to discuss their audit work, the Society's internal controls, and the financial statements. The Board of Directors is responsible for approving the financial statements.



David S. Duncan
Chief Executive Officer

Nancy Peck
Director of Finance and Administration

Legal Services Society
Balance Sheet
As at March 31, 2000

		2000	1999
Assets			
Current assets			
Cash		$ 4,716,304	$ -
Accounts receivable	- Provincial Government	69,241	789,415
	- Government of Canada	959,655	984,118
	- other	332,762	170,335
Prepaid expenses		440,191	546,000
Total current assets		6,518,153	2,489,868
Capital assets (note 4)		3,396,396	1,677,730
		$ 9,914,549	$ 4,167,598
Liabilities			
Current liabilities			
Operating line of credit		$ -	$ 3,571,821
Accounts payable	- general	1,344,567	1,622,761
	- tariff	13,731,972	8,217,756
Professional staff benefits plan		806,672	723,519
Current portion of obligation under capital lease (note 7)		570,621	81,124
Deferred income		87,601	60,792
Total current liabilities		16,541,433	14,277,773
Long-term liabilities			
Obligation under capital lease (note 7)		746,181	157,814
		17,287,614	14,435,587
Accumulated deficit		(7,373,065)	(10,267,989)
		$ 9,914,549	$ 4,167,598

The accompanying notes are an integral part of these financial statements.

Approved by the Board:

Sandi Tremblay
Chair

Bruce Hardy
Vice Chair

Legal Services Society
Statement of Accumulated Deficit
For the year ended March 31, 2000

	2000	1999
Accumulated deficit		
Beginning of year	**$ (10,267,989)**	$ (16,145,640)
Add excess of income over expenditures for the year	**2,894,924**	5,877,651
End of year	**$ (7,373,065)**	$ (10,267,989)

Legal Services Society
Statement of Income and Expenditures
For the year ended March 31, 2000

	2000	1999
Income		
Grants		
Province of British Columbia	$ 81,810,541	$ 82,034,961
Law Foundation	3,175,000	2,975,000
Notary Foundation	475,658	489,790
	85,461,199	85,499,751
Other income		
Interest	653,759	211,827
Legal costs recovered from clients	199,143	186,961
Miscellaneous	230,847	314,508
	1,083,749	713,296
	86,544,948	86,213,047
Expenditures		
Amortization	1,071,140	510,369
Area directors	189,336	191,269
Board expenses	133,392	101,384
Computer	1,595,489	1,208,890
Duty counsel	2,656,882	2,462,913
Grants and contracted services	10,008,489	10,265,926
Libraries	268,768	250,714
Miscellaneous	680,424	326,959
Office	1,262,832	1,305,363
Premises	1,877,229	1,702,425
Publications	92,744	67,724
Salaries and benefits	16,687,969	15,935,418
Tariffs (note 6)	45,334,529	44,626,760
Transcripts	1,432,072	1,062,920
Travel	358,729	316,362
	83,650,024	80,335,396
Excess of income over expenditures for the year	$ 2,894,924	$ 5,877,651

Legal Services Society
Statement of Cash Flows
For the year ended March 31, 2000

	2000	1999
Cash provided by (used in):		
Operating		
Excess of income over expenditures for the year	$ 2,894,924	$ 5,877,651
Items not involving the outlay of funds		
Amortization	1,071,140	510,369
	3,966,064	6,388,020
Changes in non-cash operating items		
Accounts receivable	582,210	312,769
Prepaid expenses	105,809	(256,723)
Accounts payable	5,236,022	(9,353,843)
Professional staff benefits plan	83,153	(12,973)
Deferred income	26,809	(72,661)
	10,000,067	(2,995,411)
Investing		
Capital asset additions	(2,789,806)	(860,016)
Financing		
Capital lease payments	(445,372)	(75,149)
Capital lease additions	1,523,236	-
Increase (decrease) in cash position	8,288,125	(3,930,576)
Cash beginning of year	(3,571,821)	358,755
Cash (Operating line of credit) end of year	$ 4,716,304	$ (3,571,821)
Supplemental cash flow information:		
Interest paid	$ 86,823	$ 21,499

Legal Services Society
Notes to the Financial Statements
For the year ended March 31, 2000

1. The Society

The Society was established under the Legal Services Society Act on October 1, 1979 and is not an agent of the Crown. The objects of the Society are to ensure that:

- services ordinarily provided by a lawyer are afforded to individuals who would not otherwise receive them because of financial or other reasons; and
- education, advice and information about law are provided for the people of British Columbia.

In 2000, the Society received 95% (1999 – 95%) of its income from the Province of British Columbia and 4% (1999 – 4%) of its income from the Law Foundation of British Columbia. The Society depends on funding from these two sources for the continuance of its operations.

Under cost sharing agreements, the Province of British Columbia recovers approximately 10% of its contribution to the Society from the Government of Canada.

2. Significant Accounting Policies

Basis of accounting

These financial statements have been prepared in accordance with generally accepted accounting principles.

Specific accounting policies

Donated services are recorded at fair value when they would normally be purchased by the Society and when a fair value can be estimated for the services.

Use of estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets, including the recoverability of accounts receivable, capital assets, and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reported year. Actual results could differ from the estimates.

Capital assets

Capital assets are recorded at cost, and are amortized on a straight-line basis as follows:

	Per Year
Furniture	20%
Equipment	20%
Computer equipment	33%
Computer equipment under capital lease	33%
Computer software	33%
Case Management System	10%
Leasehold improvements	20%
Equipment under capital lease	20%

3. Measurement Uncertainty

Uncertainty in the determination of the amount at which an item is recognized in the financial statements is known as measurement uncertainty. Uncertainty exists whenever estimates are used because it is reasonably possible that there could be a material variance between the recognized amount and another reasonably possible amount.

Measurement uncertainty in these financial statements exists in the accrual for tariff expenditures where work has been done for assigned cases for which eventual billings to the Society could result in actual costs to differ from the estimates made.

4. Capital Assets

	Cost	Accumulated Amortization	Net Book Value 2000	Net Book Value 1999
Furniture	$ 1,276,439	$ 1,246,225	$ 30,214	$ 21,198
Equipment	982,977	652,237	330,740	83,232
Computer equipment	1,204,900	976,946	227,954	378,353
Computer equipment under capital lease	2,001,631	520,970	1,480,661	–
Computer software	413,040	173,703	239,337	140,829
Case Management System	1,116,184	308,425	807,759	720,843
Leasehold improvements	627,622	449,691	177,931	107,313
Equipment under capital lease	370,673	268,873	101,800	225,962
	$ 7,993,466	$ 4,597,070	$ 3,396,396	$ 1,677,730

5. Donated Services

The Society's head office premises are provided at a reduced rent under an agreement between the City of Vancouver and the building's owner that expires on June 14, 2004. The annual difference between the market value of the rent and the rent paid is approximately $217,000 (1999 – $233,000). Because the Society would not be leasing its current head office premises if it were paying the full market rent, this amount is not recorded in the Society's financial statements.

Lawyers from the Private Bar are retained by the Society to represent eligible clients in criminal, and family cases. Some lawyers subsidize the Society by being paid fees for their services that are less than those they would normally charge privately. Because the donated portion of these services cannot be reasonably estimated, it is not recorded in the Society's financial statements.

6. Tariff Holdbacks

For clients referred after July 1, 1994, the Society implemented percentage holdbacks of tariff fees payable to lawyers from the Private Bar. The holdbacks retained for tariff accounts received in 2000 amounted to $4,679,648 (1999 – $4,932,735).

Lawyers from the Private Bar were advised by Notice to Counsel of the percentage of the holdbacks. The Society would determine after the end of the fiscal year, whether any money would be available in the tariff budgets to repay all or part of the holdbacks deducted from the accounts approved in the year.

The Society decided to expense holdbacks in the amount of $692,451 (1999 – $143,543) deducted from criminal (inclusive of duty counsel) accounts approved in the year. No holdbacks were paid on account of immigration and family tariff expenditures, as they exceeded budgeted amounts.

Accordingly, the balance of the holdbacks deducted from accounts approved in the year was not expensed and was retained by the Society. The balance of the holdbacks in the amount of $3,987,107 (1999 – $4,381,910) has not been recorded as a liability of the Society as at March 31, 2000, nor has it been included in the tariff expenditures for the year.

7. Obligation Under Capital Leases

	2000	1999
CDI Equipment Finance Inc. Blended lease payments of $8,054 per month on telephone equipment expires December 2001	$ 169,154	$ 265,802
Less: amount representing interest (7.68%) per annum	(11,340)	(26,864)
	157,814	238,938
Less: current portion	$ (87,574)	$ (81,124)
Long term	$ 70,240	$ 157,814

	2000	1999
IBM Canada Ltd.		
Blended lease payments of $43,961 per month on Computer Equipment expires July 31, 2002	$1,246,217	$ -
Less: amount representing interest (4.42% to 7.51%) per annum	(87,229)	-
	1,158,988	-
Less: current portion	$ (483,047)	$ -
Long term	$ 675,941	$ -

Principal payments due in the next 3 fiscal years are as follows:

CDI Equipment Finance Inc.

2001	$ 87,574
2002	70,240
	$ 157,814

IBM Canada Ltd.

2001	$ 483,047
2002	501,523
2003	174,418
	$ 1,158,988

8. Pension Plan

The Society and its employees contribute to the Municipal Pension Plan administered by the Superannuation Commission of the Provincial Government. The Society's contributions to the Plan for 2000 were $773,155 (1999 - $718,657).

The Municipal Pension Plan is a defined benefit pension plan for which actuarial valuations are prepared at intervals of not more than three years. The most recent actuarial valuation of the Plan was made as at December 31, 1997. The amount of its unfunded liability is disclosed in its annual financial statements, which are included in the Public Accounts for the Province of British Columbia. The actuary does not determine the portion of the unfunded liability attributable to the Society, and therefore no amounts are recorded for any unfunded liability in these financial statements.

9. Commitments

The Society has the following commitments for long-term leases of its office premises, operating leases, and maintenance of its desktop software-licensing program:

2001	$ 1,504,706
2002	1,118,765
2003	969,962
2004	918,632
2005	553,546

Legal Aid Offices by Region

Check the telephone book for current addresses and phone numbers. Offices are listed under "Legal Aid — Legal Services Society" in the white pages and in the "Lawyers" section of the yellow pages.

Lower Mainland/Fraser Valley

Prisoners' Legal Services (Abbotsford BO)
Abbotsford Community Legal Services Society (CLO)
Burnaby (BO)
Chilliwack (BO)
Langley Legal Assistance Centre (CLO)
Ridge Meadows Community Law Office (Maple Ridge CLO)
Westminster Community Legal Services Society
(New Westminster & Port Coquitlam CLOs)
North Shore Community Services (CLO)
Robert Parsonage (Richmond AD)
James K. Flemming (Sechelt AD)
Brian N. Hughes (Squamish AD)
Surrey (BO)
Vancouver (BO, including Vancouver Aboriginal Law Centre)
Vancouver (HO)

Southern Interior

Kootenay Community Law Centre (Cranbrook CLO)
Ron Bentley (Fernie AD)
Glen Ewan Q.C. (Golden AD)
Deanna Ludowicz (Grand Forks AD)
Barnim Kluge (Invermere AD)
Kamloops (BO)
Tom Humphries (Kaslo AD)
Kelowna (BO)
Stl'atl'imx/Nlha'7kapmx Legal Services
(Lillooet and Lytton NCLOs)
Nicola Valley Native Community Law Society (Merritt NCLO)
Nelson (BO)
Penticton Community Law Office (CLO)
Robert A. Lundberg (Revelstoke AD)
Garret N. Wynne (Salmon Arm AD)
North Okanagan Community Law Office (Vernon CLO)

Vancouver Island

Alert Bay (Campbell River satellite office)
Campbell River (BO)
Courtenay (BO)
Duncan Community Law Office (NCLO)
David P. O'Connor (Ladysmith AD)
Doug Traill Memorial Law Centre (Nanaimo CLO)
Barbara M. Smith (Port Alberni AD)
Port Alberni Friendship Centre (NCLO)
Port Hardy (Campbell River satellite office)
Powell River Legal Services (CLO)
James P. Roth (Ucluelet AD)
The Law Centre (Victoria CLO)

Northern B.C.

Burns Lake Yinkadinee' Keyakh Law Centre Society (NCLO)
Glenn A.P. Stasiuk (Chetwynd AD)
Dawson Creek (BO)
Fort Nelson Legal Information Services (CLO)
Dene Law Centre Society (Fort St. James NCLO)
Fort St. John (BO)
Fort St. John Friendship Society (NCLO)
Upper Skeena Counselling & Legal Assistance Society
(Hazelton NCLO)
Haida Gwaii Legal Society (Masset & Skidegate NCLOs)
Nisga'a Community Law Office (New Aiyansh NCLO)
Prince George (BO)
Carrier Sekani Family Services (Prince George NCLO)
Prince Rupert (BO)
Community Law Centre (Quesnel CLO)
Smithers (BO)
L'ax Ghels Community Law Centre Society (Terrace NCLO)
Williams Lake (BO)

Legend: AD=area director; BO=branch office; CLO=community law office; HO=head office; NCLO=native community law office

Map of Legal Aid Offices

Note: Alert Bay is on Cormorant Island, just south of Sointula Island and east of Vancouver Island.

March 31, 2000